United Nations A/63/PV.94

General Assembly

Official Records

Sixty-third session

94th plenary meeting
Monday, 6 July 2009, 10 a.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Cujba (Moldova), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 105 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(j) Confirmation of the appointment of the Secretary-General of the United Nations Conference on Trade and Development

Note by the Secretary-General (A/63/891)

The Acting President: Members will recall that, by its decision 59/419 of 11 May 2005, the General Assembly, on the proposal of the Secretary-General of the United Nations, confirmed the appointment of Mr. Supachai Panitchpakdi as Secretary-General of the United Nations Conference on Trade and Development for a term of office of four years, beginning on 1 September 2005 and ending on 31 August 2009.

In paragraph 2 of his note, the Secretary-General proposes to extend the appointment of Mr. Supachai Panitchpakdi as Secretary-General of the United Nations Conference on Trade and Development for another term of office of four years, beginning on 1 September 2009 and ending on 31 August 2013.

I now give the floor to the representative of Côte d'Ivoire.

Mr. Bailly (Côte d'Ivoire) (*spoke in French*): My delegation would like from the outset to seize this opportunity, Sir, to reiterate once again its great appreciation and admiration for President D'Escoto Brockmann's continued and effective commitment in the service of the Member States to accomplishing the tasks assigned to the General Assembly under his presidency.

My delegation aligns itself with the Group of African States and the Group of 77 (G-77) and China, and takes the floor to make some preliminary remarks and to clarify its position on the appointment of the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD). Our comments are primarily concerned with the process of appointing the holder of the said post and the issue of the length of the mandate of the Secretary-General of UNCTAD.

As a country that presented a candidate, we would like to make known our reservations on the negotiation process that took place a few months ago for the endorsement by the G-77 and China of a candidate to be presented to the Secretary-General of the United Nations for confirmation by the General Assembly.

Without going into detail, we wish to emphasize here that we do not appreciate the way in which the negotiation process was conducted, tainted as it was by a surfeit of confusion that left the way open for tendentious interpretations and misunderstandings, which we must try to resolve if we are more effectively to improve in the future the current system of rotation

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so as to ensure balanced and transparent regional representation within UNCTAD.

In that regard, the debate on the duration of the Secretary-General's mandate must be more clearly defined in order to avoid conflicts that ultimately are not necessary in light of the prevailing spirit of solidarity and fraternity within the G-77 and China.

Even if healthy competition is sometimes necessary to take best advantage of the strengths of the G-77, we believe that such competition should follow even clearer and more precise criteria to avoid engaging in conflicting interpretations of texts and reaching agreements that could resemble bargaining, which most often in such cases, it must be agreed, are not fruitful since they are divisive and do not provide real answers to one another's concerns.

It is because there are no clear regulated provisions for the issuance of two consecutive four-year mandates that there inevitably arise confused impulses regarding the post or discussions directly or indirectly challenging the apparently established practice of enshrining two consecutive mandates for the holder of the position of UNCTAD Secretary-General. There should be a substantive debate on that important issue so as to put everyone at ease and to avoid prejudging the choice of Secretary-General with regard to the position of the G-77 and China. As everything is inextricably connected, it is important that clarifications be made in that regard through a more consultative approach.

Our delegation's position is as follows. We take this opportunity to confirm that, with respect to this issue, from the outset we have adhered to the principled position that consultations should be held at the highest level within the African Union in order to identify Africa's view on the appointment of the Secretary-General of UNCTAD. For us, this has been an issue of principle on which we must not compromise, since our country had submitted its candidature and won the timely support of many member States by the end of the African summit in Libya for undertaking the high-level consultations needed to reach a decision.

During that campaign, the ethical values that inform and guide the actions of the United Nations throughout the world were overthrown by personal attacks, unfounded allegations and defamatory and hostile practices against the worthiness of our candidate, who had to bring judicial proceedings against the authors of such practices in order to ensure that justice had been served.

Now that the African summit in Sirte is behind us, our delegation would like to announce officially that Côte d'Ivoire supports the Secretary-General's choice to renew the mandate of the current holder of the post in the understanding that, at the end of Mr. Supachai's second mandate, an African representative will head UNCTAD so as to restore the sorely needed balance in the fair representation of regional groups within UNCTAD.

Our delegation solemnly declares Côte d'Ivoire's support for Thailand and wishes Mr. Supachai full success in discharging his duty as head of UNCTAD in the coming years.

To conclude, our delegation would like to thank and congratulate the Chair of the G-77 and China, the Permanent Representative of the Sudan, for his tireless mediation, which helped us to clarify our respective positions. We wish to thank all delegations that gave us their support in that process. May those delegations rest assured of our deep gratitude.

The Acting President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to confirm the extension of the appointment of Mr. Supachai Panitchpakdi as Secretary-General of the United Nations Conference on Trade and Development for another term of office of four years, beginning on 1 September 2009 and ending on 31 August 2013?

It was so decided.

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of sub-item (j) of agenda item 105?

It was so decided.

The meeting rose at 10.25 a.m.

United Nations A/63/PV.95

General Assembly

Sixty-third session

Official Records

95th plenary meeting
Thursday, 9 July 2009, 10 a.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Tommo Monthe (Cameroon), Vice-President, took the Chair.

The meeting was called to order at 10.20 a.m.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Draft resolution (A/63/L.76)

The Acting President: Members will recall that the General Assembly held the debate on agenda item 44 jointly with agenda item 40 at the 36th plenary meeting, on 3 November 2008, as well as jointly with agenda items 107 and 112 at the 51st plenary meeting, on 17 November 2008. Members will also recall that the Assembly adopted two resolutions under agenda item 44, namely, resolution 63/9 and resolution 63/199, on 3 November and 19 December 2008, respectively, and four resolutions under agenda item 107, namely, resolutions 63/23, 63/142, 63/235 and 63/281, on 17 November, 11 and 22 December 2008, and 3 June 2009, respectively.

We shall now proceed to consider draft resolution A/63/L.76.

I now give the floor to the representative of the Secretariat.

Mr. Nakano (Department for General Assembly and Conference Management): In connection with draft resolution A/63/L.76, entitled "2010 high-level plenary meeting of the Assembly", I wish to put on record the following statement of financial implications on behalf of the Secretary-General. This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

Under the terms of operative paragraphs 1 and 2 of the draft resolution, the General Assembly would:

> "[Decide] to convene in 2010, at the commencement of the sixty-fifth session of the General Assembly, a high-level plenary meeting of the Assembly, on dates to be decided, with the participation of heads of State and Government and [encourage] all Member States to be represented at that level;
>
> "Also [decide] to hold consultations on the scope, modalities, format and organization of the high-level plenary meeting of the Assembly with a view to concluding consultations before the end of 2009 and in this regard, [request] the Secretary-General to submit a report to the General Assembly at the beginning of its sixty-fourth session."

In the absence of information on the duration and modalities of the high-level plenary meeting to be held in 2010, which has yet to be determined through consultation, as decided by the Assembly in operative paragraph 2, it is the understanding of the Secretariat that the meeting would be held during the sixty-fifth

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session of the Assembly and that its requirements for conference servicing, including meeting and documentation services, would be within the overall workload and entitlements of the General Assembly, such as only two meetings per day — one in the morning and one in the afternoon — using the meetings entitlements from those allocated to the Assembly.

Based on that understanding, should the General Assembly adopt the draft resolution, no additional conference servicing resources would be required since the aforementioned high-level plenary meeting would be part of the regular work programme of the General Assembly, and therefore utilize meeting and documentation resources that have already been planned and budgeted for according to their entitlements.

As regards the substantive work requirements, the current draft resolution does not provide adequate details to allow the determination of the precise scope of the preparatory process for the high-level plenary meeting of the Assembly.

On the basis of the outcome of the consultations on the scope, modalities, format and organization of the high-level plenary meeting of the Assembly requested in operative paragraph 2 of the draft resolution, the Secretary-General would report to the General Assembly at the beginning of its sixty-fourth session as to any potential financial requirements, provided that sufficient details regarding the scope, modalities, format and organization of the meeting are available by that time.

The Acting President: The Assembly will now take a decision on draft A/63/L.76, entitled "2010 high-level plenary meeting of the Assembly". May I take it that the Assembly decides to adopt draft resolution A/63/L.76?

Draft resolution A/63/L.76 was adopted (resolution 63/302).

The Acting President: I would like to express my sincere thanks to Ms. Kirsti Lintonen in her capacity as Permanent Representative of Finland, together with Mr. Paul Badji, Permanent Representative of Senegal, who so ably and patiently conducted the discussions and complex negotiations in the informal consultations to bring them to a successful conclusion. I am sure that members of the Assembly join me in extending to them our sincere appreciation.

The General Assembly has thus concluded this stage of its consideration of agenda items 44 and 107.

Agenda item 48 (*continued*)

Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the preparation of the 2008 Review Conference

Draft resolution (A/63/L.75)

The Acting President: Members will recall that, at its 74th plenary meeting on 23 December 2008, the Assembly decided to also consider agenda item 48 directly in plenary meeting. Members will further recall that, in accordance with General Assembly resolution 63/277 of 7 April 2009 and decision 63/556 of 26 May 2009, the Assembly decided to hold a Conference on the World Financial and Economic Crisis and Its Impact on Development from 24 to 26 June 2009 at United Nations Headquarters.

In connection with this item, the General Assembly now has before it a draft resolution issued as document A/63/L.75. I have been informed that the President of the General Assembly would like to make the following oral revision to the draft resolution, which has also been distributed desk to desk in this Hall. I will now read out the change.

From the titles of the draft resolution and its annex, the word "document" should be deleted and the word "its" in the second line should be capitalized. The new title should therefore read "Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development". This new title should also be used in the operative paragraph between the words "endorse the" and "annexed".

The dates of the Conference cited in the preambular paragraph of the draft resolution and in the chapeau paragraph of the annex should read "24 to 30 June", instead of "24 to 26 June". As the Assembly will recall, the debate of the Conference had to be prolonged by four days, so we must be correct in terms of the dates.

We shall now proceed to consider draft resolution A/63/L.75, as orally revised.

I now give the floor to the representative of the Secretariat.

Mr. Nakano (Department for General Assembly and Conference Management): In connection with draft resolution A/63/L.75, entitled "Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development", I wish to put on record the following statement of financial implications on behalf of the Secretary-General.

This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

In the draft resolution, the General Assembly would decide:

> "to endorse the outcome of the Conference on the World Financial and Economic Crisis and its Impact on Development, annexed to the present resolution".

Under the terms of paragraphs 54 and 56 (e) of the outcome document, the General Assembly is invited to establish an ad hoc open-ended working group of the General Assembly to follow up on the issues contained in the present outcome document, and to submit a report on the progress of its work to the General Assembly before the end of the sixty-fourth session; the Economic and Social Council is requested to consider and make recommendations to the General Assembly regarding the possible establishment of an ad hoc panel of experts on the world economic and financial crisis and its impact on development. The panel could provide independent technical expertise and analysis, which would contribute to informing international action and political decision-making and fostering constructive dialogues and exchanges among policymakers, academics, institutions and civil society.

Since there is no express General Assembly decision taken on the establishment of an ad hoc open-ended working group of the General Assembly, requested in paragraph 54 of the outcome document, and the Economic and Social Council has, to date, not considered the matter outlined in paragraph 56 (e) of the outcome document, there is insufficient information available to the Secretariat at this time to determine the scope, modalities, format and organization of the ad hoc open-ended working group of the General Assembly and the ad hoc panel of experts on the world economic and financial crisis and its impact on development.

Therefore, in the absence of respective decisions of the General Assembly and the Economic and Social Council at this stage, the Secretariat is unable to determine the full extent of the programme budget implications arising from the draft resolution.

Should the General Assembly adopt the draft resolution, the Secretary-General would submit statements of programme budget implications, if any, to the General Assembly and to the Economic and Social Council, respectively, as soon as specific decisions are taken on the ad hoc open-ended working group of the General Assembly and on the ad hoc panel of experts on the world economic and financial crisis and its impact on development, provided that sufficient details regarding the scope, modalities, format and organization of the two bodies are available.

The Acting President: The Assembly will now take action on draft resolution A/63/L.75, entitled "Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development", as orally revised. May I take it that the Assembly decides to adopt draft resolution A/63/L.75, as orally revised?

> *Draft resolution A/63/L.75 was adopted* (resolution 63/303).

The Acting President: Before giving the floor to speakers in explanation of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mrs. Masot Planas (Cuba) (*spoke in Spanish*): The delegation of Cuba joined the consensus on the outcome document that has just been adopted as in recognition of the importance of the Conference. However, we believe that the text not only does not meet the expectations of the countries most affected by this serious crisis, but that it also includes elements that, in our judgment, set precedents that could be harmful to the work of the Organization.

We must not forget that the current global crisis began in the major developed countries and is the result of a series of serious structural and systemic problems that go beyond the failures in the implementation of monetary policies and financial sector regulation. The crisis also highlights the failure

of neoliberal economic doctrine and the myths regarding the benevolence of the market and its deregulation, as well as the soundness and reliability of the current international financial institutions.

However, the document just adopted lacks any serious analysis of the root causes of the current crisis. It does not include any commitment to devoting the new and additional resources that developing countries urgently need to deal with the serious impact of this critical situation. In addition, the stale and still insufficient commitments on the part of the developed countries to devote 0.7 per cent of their gross national product to official development assistance have not been adequately reflected. The way in which the matter is addressed seems to require us to resign ourselves to receiving a humiliating handout loaded with conditions and aimed at interference in our affairs.

The financial crisis increases the risk of a renewed aggravation of the debt crisis. Most developing countries are vulnerable to a reduction in their foreign reserves, which would affect their ability to fulfil their repayment commitments. The rich world must cancel the debt. The efforts of developing countries to achieve the Millennium Development Goals will not translate into real benefits for their people if they are not accompanied by a profound restructuring of the prevailing economic, financial and trade order founded on justice, equity and solidarity.

We must rethink everything that has been established since Bretton Woods, and in this endeavour the United Nations must play a central role. The comprehensive solutions required to address the current crisis can be decided neither by the richest countries alone, although they are primarily responsible for the crisis, nor behind closed doors and in forums with limited participation, as in the case of the most recent summit of the Group of 20. Neither the fundamental causes of the current crisis nor the need to radically transform the international financial architecture were even discussed there.

The text just adopted does not address the reform of the international financial institutions in the in-depth manner required. It only attempts to prop up a system that would permit the principal rich countries to preserve the power, prerogative and benefits they enjoy to this day.

As my delegation stated during the plenary debate of the Conference, the international financial system must be rebuilt from its foundations. Its failures do not lie simply in its regulation. The current system is antidemocratic, and its norms and principles were established with a view to the interests of a few industrialized Powers.

In addition, our delegation would like to call attention to certain issues addressed in the text that we find to be of particular concern. In particular, we reject the reference to the controversial concept of human security, which not only does not have an agreed intergovernmental definition, but also is interpreted in many contexts as clearly allowing for interference and is easily manipulated to justify any type of attack against the principles of sovereignty, territorial integrity and non-interference in the internal affairs of States.

The document also makes reference to the so-called fundamental principles of aid effectiveness and associates them with South-South cooperation. Cuba does not recognize such so-called principles, which attempt to divert attention from the hackneyed statements of certain donors on the need to make "effective" use of aid to resolve the problems of the developing world. The invocation of such principles is an attempt to avoid explicit recognition of the lack of commitment and real political will to provide the countries of the South with the financial resources they need without requirements or conditions, especially in critical situations such as the current one.

In the same way, we reject the attempt to use such "principles" as a basis for South-South cooperation, which is being carried out in our developing countries in the spirit of solidarity and respect. I would like to state clearly that Cuba will continue to work in this forum and in every other possible context to advance the fundamental interests of the countries of the South, which, unfortunately, have not been reflected in this text in the in-depth manner required.

Allow me to conclude by reaffirming that the solutions to the financial, economic, food, energy and environmental crises affecting the entire planet will be found only through efforts to ensure full participation and attention to the needs of all nations big and small, rich and poor.

Mr. Escalona Ojeda (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We would like to reiterate the reservations and observations that we expressed in the Conference when this outcome

document was adopted. We would express our support for the observations just made by the delegation of Cuba in this connection. Venezuela stresses the need for reform of the international financial system and for this debate to be open to all countries and all Member States. We would also like to highlight our views on the concept of human security. In that respect, we reiterate what we have already stated in a number of meetings on this subject.

The Acting President (*spoke in French*): We have heard the last speaker in explanation of vote.

The General Assembly has thus concluded this stage of its consideration of agenda item 48.

The meeting rose at 10.50 a.m.

United Nations A/63/PV.96

General Assembly

Sixty-third session

Official Records

96th plenary meeting
Tuesday, 21 July 2009, 10 a.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Wolfe (Jamaica), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

The Acting President: I give the floor to His Excellency Mr. Ban Ki-moon, Secretary-General of the United Nations.

The Secretary-General: We meet on the eve of the General Assembly's consideration of my report on implementing the responsibility to protect (A/63/677). I welcome this discussion. Most of all, I welcome the prospect of advancing our efforts in this vital area that means so much to me and to the world's people.

In 2006, as Foreign Minister of the Republic of Korea, and again last year as Secretary-General of this Organization, I visited Kigali to pay my respects at the memorial to the victims of the Rwandan genocide. Like so many others, I came away with renewed determination to do whatever is in my power to prevent such massive affronts to human dignity in the future.

This week, we have an opportunity to ready ourselves for the moment — and that moment will surely come — when our collective capacity and will are again tested by such horrors. We can save lives. We can uphold the principles on which this House is built. We can demonstrate that sovereignty and responsibility are mutually reinforcing principles. And we can assert the moral authority of this institution.

Four years ago, our heads of State or Government unanimously committed themselves to preventing genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement. That universal and irrevocable commitment was made at the highest level, without contradiction or challenge. Our common task now is to deliver on that historic pledge to the peoples of the world.

My report offers some initial ideas on how to go about this. These proposals, not the world leaders' solemn commitments, are to be the focus of our deliberations this week. The question before us is not whether, but how.

From day one, I have made the patient work of turning lofty words into practical deeds among the highest priorities of my administration. In that spirit, it is high time to turn the promise of the responsibility to protect into practice.

The strategy outlined in my report, based on the 2005 World Summit Outcome Document (resolution 60/1), rests on three pillars: State responsibility; international assistance and capacity-building; and

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timely and decisive response. Allow me to mention a few highlights.

First, the report seeks to situate the responsibility to protect squarely under the United Nations roof and within our Charter, where it belongs. By developing fully United Nations strategies, standards and processes for implementing the responsibility to protect, we can discourage States or groups of States from misusing these principles for inappropriate purposes.

Secondly, the report asserts that prevention, for practical and moral reasons, should be job number one. It offers a balanced and nuanced approach to prevention and protection that utilizes the full inventory of tools available to the United Nations and its partners. It seeks to spur thinking and policy development on ways in which the international community can support States in meeting their obligations in this area. And it stresses the need for preventive action, initially by subregional and regional arrangements, as envisaged in Chapter VIII of the Charter.

Thirdly, as called for at the 2005 Summit, we plan to engage Member States in a discussion about how to sharpen United Nations capacities for early warning and assessment. When prevention fails, the United Nations needs to pursue an early and flexible response tailored to the circumstances of each case. Military action is a measure of last — not first — resort and should be undertaken only in accordance with the provisions of the Charter. Moreover, armed groups and non-State actors must be held to the same standards for the responsibility to protect as States in territory under their control.

Finally, my report seeks to encourage each of the principal organs of the United Nations to play its distinct and appropriate role under the Charter in developing and implementing the responsibility to protect. I am glad to see the Assembly commencing the arduous task of building a consensus on the implementation plan.

I have listened carefully to members' concerns and expectations. My Special Adviser, Professor Edward Luck, has consulted widely. The report seeks common ground. It suggests a coherent strategy for moving forward. It offers questions as well as answers, because it aims to open — not close — this ongoing dialogue.

Today, members of the Assembly, I ask you to do three things.

First, resist those who try to change the subject or turn our common effort to curb the worst atrocities in human history into a struggle over ideology, geography or economics. What do they offer to the victims of mass violence? They offer rancour instead of substance, rhetoric instead of policy, despair instead of hope. We can and must do better.

Let us begin by admitting that there are no quick or easy answers. No region or social system has been immune from such mass brutality. No part of the world has a monopoly on wisdom or morality.

But let us also acknowledge that the responsibility to protect has emerged from the soil, spirit, experience and institutions of Africa. The Economic Community of West African States and the African Union gave institutional life to the principles of the responsibility to protect long before the World Summit did.

Now, regional arrangements on every continent are boosting prevention, early warning and protection capacities, each in its own way. Networks of survivors, scholars, advocates and practitioners have surfaced in every part of the world.

Four years ago, world leaders stood on the same side of the table and overcame whatever other political differences they may have had to endorse the responsibility to protect. They faced a common threat to their peoples and societies, to the rule of law and to the moral tenets for which this Organization so proudly stands — and faced it with resolve. Today, we owe it to the peoples of the world not to falter in this common quest.

Secondly, I ask you to let the Assembly do what it does best: provide the venue for a continuing search for common ground on a multilateral strategy that works. I see signs of convergence on the first two pillars of my strategy: on State responsibility and international assistance. But, as everyone expected, differences persist on some aspects of the third pillar, on response. We cannot expect to resolve all outstanding issues this week or next. But we can agree on ways to keep the dialogue going, building on what has been achieved and setting markers for the future.

In that regard, I draw your attention to paragraph 71 of my report. In 2005, the assembled heads of State

and Government stressed "the need for the General Assembly to continue consideration of the responsibility to protect" (*resolution 60/1, para. 139*). I could not agree more. My report offers a focused way to begin that conversation.

Thirdly, never forget why we are here. Never forget the victims of atrocities and crimes in so many places. They number in the millions. Those losses have permanently stained the history of the twentieth century. Together, in this century, we can chart a different course.

Never forget, too, the complacency and cynicism that often prevented this Organization from acting as early or as effectively as it should have. Our publics judged us then and found us wanting. They will be watching again this week, and they will — rightfully — judge us harshly if we treat these deliberations as politics as usual.

Three months ago, members of the Assembly commemorated the fifteenth anniversary of the Rwandan genocide with prayers, songs, pictures and heartfelt tributes. It was a moving experience, shaped by the voices of the survivors. Their pain has not faded. Their memories are stark.

Just weeks ago, my Special Adviser witnessed columns of sombre Rwandans bearing to the mass burial sites in Kigali the coffins of victims discovered only recently. As their silent witness attests, this week's debate is not about history; it is about the character of this institution and the future of humankind. Please join me in the search for a better way.

The Acting President: I thank the Secretary-General for his presentation.

May I remind members that, as announced in today's *Journal*, there will be an approximately one-hour-long informal segment for questions and comments by Member States immediately following the adjournment of this meeting. May I also remind members that the formal debate on the report of the Secretary-General will take place on Thursday, 23 July 2009, at 3 p.m. in the General Assembly Hall.

The General Assembly has thus concluded this stage of its consideration of agenda items 44 and 107.

The meeting rose at 10.30 a.m.

United Nations A/63/PV.97

General Assembly
Sixty-third session

Official Records

97th plenary meeting
Thursday, 23 July 2009, 3 p.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

The meeting was called to order at 3.15 p.m.

Agenda item 57 (*continued*)

New Partnership for Africa's Development: progress in implementation and international support

(b) Causes of conflict and the promotion of durable peace and sustainable development in Africa

Draft resolution (A/63/L.61/Rev.1)

The President (*spoke in Spanish*): Members will recall that the Assembly held the high-level plenary meeting on the theme "Africa's development needs: state of implementation of various commitments, challenges and the way forward" under agenda item 57 at the 3rd and 4th plenary meetings, on 22 September 2008. Also, a joint debate was held on agenda item 57, entitled "New Partnership for Africa's Development: progress in implementation and international support", and its sub-items (a) and (b), and on agenda item 43, entitled "2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa", at the 26th, 27th and 29th plenary meetings, on 15 and 20 October 2008, respectively.

The Assembly today has before it a draft resolution that has been issued as document A/63/L.61/Rev.1. I now give the floor to the representative of the Sudan, who will speak on behalf of the Group of 77 and China to introduce the draft resolution.

Mr. Hassan (Sudan) (*spoke in Arabic*): On behalf of the delegation of the Sudan, I have the honour to address the General Assembly today on behalf of the Group of 77 and China to introduce draft resolution A/63/L.61/Rev.1 under agenda item 57, entitled "New Partnership for Africa's Development: progress in implementation and international support".

The draft resolution is primarily based on the recommendations contained in the report (A/63/212) of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa.

The draft resolution recognizes that development, peace, security and human rights are interlinked and mutually reinforcing in terms of commitment and implementation. It stresses that the responsibility for peace and security in Africa, including the capacity to address the root causes of conflict and to resolve conflicts in a peaceful manner, lies primarily with African countries, while recognizing the need for support from the international community and the United Nations. It also emphasizes the vital role played by African States and subregional organizations in peacemaking and peacebuilding, including through the Panel of the Wise, as well as mechanisms for early warning and peaceful dispute settlement and regional initiatives such as those relating to settlement and reconciliation — all in an effort to develop a comprehensive regional approach to addressing conflicts and disputes in Africa.

We hope that the draft resolution now before the Assembly will be adopted by consensus. We joined the list of sponsors at the urging of many other Member

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States, and we encourage other States that have not yet done so to follow suit.

The President (*spoke in Spanish*): The Assembly will now take action on draft resolution A/63/L.61/Rev.1, entitled "Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa".

(*spoke in English*)

I should like to announce that, since the submission of the draft resolution, Portugal and the United Kingdom of Great Britain and Northern Ireland have joined the list of sponsors.

(*spoke in Spanish*)

May I take it that the Assembly decides to adopt draft resolution A/63/L.61/Rev.1?

Draft resolution A/63/L.61/Rev.1 was adopted (resolution 63/304).

I shall now call on the representative of Sweden, who wishes to speak in explanation of position on the resolution just adopted.

Mr. Lidén (Sweden): I would like to make a short statement on behalf of the European Union.

The European Union (EU) actively supports the African Union and the African agenda for peace and development. We are fully and unambiguously committed to standing by the African continent, as demonstrated by the adoption of the Joint EU-Africa Strategy in Lisbon in December 2007. Today, the implementation of the Strategy is being actively pursued in all areas.

The search for peace on the African continent is one of the European Union's priorities. Within the framework of the African Peace Facility, the European Union has committed an additional €300 million for the period 2008-2010. Furthermore, the European Union currently has four missions deployed on the African continent as part of the European Security and Defence Policy. In addition, the European Union is Africa's principal development partner.

The European Union welcomes today's adoption of resolution 63/304 on the implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa. Rwanda and Srebrenica demonstrated that both Africa and Europe have an interest in the concept of the responsibility to protect. We look forward to the debate on the implementation of that concept, which is to follow. We also look forward to working with Africa on how to strengthen our capacity in that regard.

The President (*spoke in Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 57 and agenda item 57 as a whole?

It was so decided.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

The President (*spoke in Spanish*): Members will recall that the Secretary-General introduced his report on the responsibility to protect (A/63/677) at the Assembly's 96th plenary meeting, on 21 July 2009.

(*spoke in English*)

The 2005 World Summit Outcome (resolution 60/1) charged the General Assembly with the task of further considering the issue of the responsibility to protect and examining its implications. As one of today's panellists, Mr. Gareth Evans, himself stated in his recent book on the subject, the concept of the responsibility to protect has the potential to evolve further into a full-fledged rule of customary international law. Whether to argue that such a norm already exists is, ultimately, up to this body to decide.

I need not remind anyone present in this forum that, in terms of the United Nations Charter, it is the General Assembly that develops international law.

This morning, the General Assembly met in an informal session to discuss — and engage some of the world's most prominent theorists and academicians in an interactive dialogue on — the responsibility to protect. We are indebted to them for honouring the United Nations with their presence and insights.

The discussion was rich and passionate, as is fitting, given that we are examining the fundamental moral and political obligations that Member States and the international community have to our fellow human beings during times of extreme need. I would encourage all those who were unable to participate in the proceedings to refer to the statements of the panellists, which will be available on the website of the presidency and on the United Nations webcast.

As I stated in my opening remarks this morning, the world has remained silent and stood still way too often in the face of gross violations of the most basic sentiments of humanity. This paralysis has resulted in such shameful situations as the Holocaust, the Khmer Rouge killing fields, the massacres in Rwanda and the former Yugoslavia, to name just a few.

As was made clear this morning, one cannot treat these events in isolation from the antecedent historical actions that precipitated them. After so much suffering, there is finally broad agreement that the international community can no longer remain silent in the face of genocide, ethnic cleansing, war crimes and crimes against humanity. This represents great progress. Yet there are current situations, such as in Gaza, that are in urgent need of adequate and objective characterization, as well as of the international community's responsibility to aid in their solution.

I would ask whether it was the absence of responsibility to protect that led to non-intervention in Gaza as recently as this year, or was it rather the absence of reform of the Security Council, whose veto power remains unchecked and its membership unreformed? Need I remind anyone here that we already have a genocide Convention and various conventions concerning international humanitarian law, whose implementation remains erratic?

So why do many of us hesitate to embrace this doctrine and its aspirations? Certainly, it is not out of indifference to the plight of many who suffer and may yet suffer at the hands of their own Governments. The problem for many nations, I believe, is that our system of collective security is not yet sufficiently evolved to allow the doctrine of responsibility to protect (R2P) to operate in the way its proponents intend, in view of the prevailing lack of trust in developing countries when it comes to the use of force for humanitarian reasons.

Unfortunately, the Secretary-General's report (A/63/677) argues, as we heard again and again this morning, for a continuum from strengthening States' capacity to assure human rights, in the sense of preventing R2P crimes, and diplomatic preventive measures to economic sanctions and the use of force. This may tend to discredit the concept of responsibility to protect, just as the earlier concept of humanitarian intervention was discredited and, indeed — as described by Mr. Gareth Evans this morning — buried.

The report of the International Commission on Intervention and State Sovereignty stated that the use of coercion and force could be hedged by the use of such criteria as just cause. Just cause is a reversion to the pre-United Nations Charter doctrine of the just war. Given that the General Assembly has not yet managed to agree on definitions of terrorism or aggression, it seems unlikely that it will be able to agree any time soon on definitions of just cause and right intentions.

Member States clearly hold, as I do, strong views on this issue. I believe that this morning's discussion made it clear that the most effective and just form of avoiding large-scale human suffering is certainly not by resorting to the use of military force. After this morning's discussion, the question remains: Has the time for a full-fledged R2P norm arrived, or, as most of the panellists this morning felt, do we first need to create a more just and equal world order, including in the economic and social sense, as well as a Security Council that does not create a differential system of international law geared towards the strong protecting, or not protecting, whomever they wish?

I wish the Assembly all a productive and enlightening debate.

Mr. Lidén (Sweden): I have the honour to speak on behalf of the European Union (EU). The candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Montenegro; as well as Ukraine, the Republic of Moldova, Armenia and Georgia align themselves with this statement.

Almost 10 years ago, in this very Hall, Kofi Annan made a plea to the international community to try to find a new consensus, to forge unity on how to respond to mass atrocities in situations such as those in Rwanda and Srebrenica — in essence, to find a way to counter gross and systematic violations of human

rights that affect every precept of our common humanity.

At the World Summit in 2005, the international community forged such unity by agreeing upon the responsibility to protect. We collectively recognized the responsibility of each individual State to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We collectively recognized the responsibility of the international community, through the United Nations, to help protect populations from such crimes.

This year, the Secretary-General delivered his first report (A/63/677) on how to implement that responsibility. The European Union warmly welcomes that important report and this debate, in which our focus should be on operationalization and implementation. The Secretary-General's report brings the concept down to the level of practical implications and forms a platform on which to build concrete measures.

From the outset, the Secretary-General is very clear on the fact that, unless Member States decide otherwise, the responsibility to protect only applies to four specified crimes and violations: genocide, war crimes, ethnic cleansing and crimes against humanity. The European Union welcomes the Secretary-General's approach in keeping the scope of the principle narrow and the range of possible responses deep.

The report describes the three pillars that together constitute the implementation of the concept: the primary responsibility of States to protect their populations, the vital role of assistance from the international community to help States to shoulder their responsibilities, and the response and responsibility of the international community when a State is manifestly failing to meet its responsibilities.

As to the first pillar, the basic principle of State sovereignty is and should remain undisputed. It should also be recognized that State sovereignty implies not only rights, but also responsibilities and obligations under international law, including the protection of human rights as an essential element of responsible sovereignty. Those obligations of States are firmly embedded in international treaty-based and customary law. One such responsibility is that of each State to protect the populations within its own borders. That comes first. The responsibility to protect necessarily encompasses the responsibility to prevent.

Turning to the second pillar, the assistance that should be made available by the international community is not only the humanitarian aid that is crucial once individuals and groups are already affected, but also, in that context and very importantly, the assistance available to help prevent manifest threats from developing and build the capacities of States to act before threats deteriorate into crises. That effort and support necessitate a longer-term perspective.

Not only the knowledge of risks, but also the capacity to act on those risks, are necessary. The link between timely information and the application of instruments that can limit those risks is underlined in the Secretary-General's report. The European Union believes that this is an area where more could be done, especially as regards the instruments for early warning, conflict prevention and crisis management. We look forward to the Secretary-General's proposal on strengthening the United Nations early warning capacity, as suggested in the report. In addition, local mediation and conflict resolution capacities are also essential elements in that process.

The third pillar reminds us that if a situation of genocide, war crimes, ethnic cleansing or crimes against humanity occurs or threatens to occur, and if a State is manifestly failing to protect its populations, the international community has a responsibility to help protect those populations and thereby also to help maintain international peace and security. It must be absolutely clear that this should, first and foremost, be discharged through diplomatic, humanitarian and other measures, such as support to capacity-building and other development activities. But if such measures would or are proving to be inadequate, enforcement measures in accordance with the United Nations Charter, through the Security Council or approved by the Security Council, should be possible, if needed.

The three pillars are parallel, not consecutive, and the concrete proposals set out in the report underline that as they focus on the first and second pillars. The European Union welcomes and supports the steps to implement the responsibility to protect set out in the report, and particularly the Secretary-General's emphasis on the responsibility of States themselves, and the importance of early prevention and of helping States build their capacity to shoulder their own responsibilities.

Mr. Cujba (Moldova), Vice-President, took the Chair.

The European Union also welcomes the way those steps are presented, without losing sight of the individual victims and the human costs of delay or recoil from the international community. We believe that the European Union and other regional organizations have important contributions to make here. Regional organizations have a multitude of relevant instruments. Capacity-building in areas of conflict prevention, development and human rights, good governance, the rule of law and judicial and security sector reform are perhaps the most obvious examples.

Moreover, we all have to be ready to assist. The principle has to be integrated into our overall normative framework. Not long ago, the United Nations and the African Union were able to support Kenya in preventing a frightening crisis from turning into the worst possible nightmare. That is an example to follow. The European Union is ready to contribute as a regional organization and global actor and to the United Nations in the efforts ahead.

Before I conclude, let me come back to what this debate is really about. It is about how to put an end to the most serious crimes that have plagued and still plague humankind. It is about finding the means and the will to stop what has been correctly labelled the recurring nightmare of mass atrocities. Our common history, including the recent past on our own continent, Europe, shows us that this is a principle of concern to all and demands our concerted efforts.

As characterized by the Secretary-General, the report at hand is the critical first step towards turning the authoritative and enduring words of the 2005 World Summit Outcome (resolution 60/1) into doctrine, policy and, most importantly, deeds. It is therefore important that the debate on the responsibility to protect here at the United Nations continue. The EU also looks forward to further and more detailed reports by the Secretary-General on the implementation by the Organization and Member States of our common responsibility. It is our duty to further operationalize that responsibility in order to create a world order in which inactivity in the face of mass atrocities becomes a thing of the past.

Mr. Abdelaziz (Egypt): It gives me pleasure to speak today on behalf of the Non-Aligned Movement (NAM) on the issue of the responsibility to protect (R2P). The Movement would like at the outset to convey its appreciation to the Secretary-General for his presentation of his report in document A/63/677, entitled "Implementing the responsibility to protect" (see A/63/PV.96), before the General Assembly on 21 July.

The establishment of the United Nations more than 60 years ago generated hopes for the restoration of human dignity and the prevention of the repetition of mass atrocities of the past that took a toll on the lives of millions of innocent people due to the lack of collective will and inaction. Unfortunately, modern and recent history is rife with incidents in which the international community was incapable of living up to its responsibility to maintain international peace and security, let alone heeding the desperate calls of civilian populations around the world, who fell victim to the heinous crime of genocide, war crimes, ethnic cleansing and crimes against humanity.

The general membership reached the common understanding in 2005, at the level of heads of State and Government, that each individual State had the responsibility to protect its populations. They stressed the need for the General Assembly to continue consideration of the responsibility to protect populations from those four crimes and their implications, bearing in mind the principles of the Charter and international law.

In that context, NAM welcomes the initiative of the President of the General Assembly to hold this general debate as an opportunity to continue the discussions on how to implement the will of the world's leaders and to ensure that where there is a will, there is a way to deter the reoccurrence of such heinous crimes.

Many elements of the Secretary-General's report have received support, based on historical national or regional experiences, as well as on the conviction that no country or region is immune to such risks. Meanwhile, mixed feelings and thoughts on implementing R2P persist. There are concerns about the possible abuse of R2P by expanding its application to situations that fall beyond the four areas defined in the 2005 World Summit Outcome, and by misusing it to legitimize unilateral coercive measures or intervention in the internal affairs of States. There are also pertinent questions about the role to be played by

each of the principal organs of the United Nations within their respective institutional mandates and responsibilities in that regard.

Those issues will have to be thoroughly addressed in any discussion on implementing the responsibility to protect. We should work to reconcile and address all the divergent concerns and viewpoints through an honest, comprehensive, all-inclusive and transparent dialogue. The General Assembly is indeed the right venue for such a dialogue.

Last week, at their fifteenth summit, held in Sharm el-Sheikh, the heads of State and Government of the Non-Aligned Movement reaffirmed that the Movement will remain guided in its endeavours by its founding principles, and reiterated their commitment to achieving international cooperation based on solidarity among peoples and Governments in solving international problems of a political, economic, social, cultural or humanitarian character.

They also reiterated the role of the General Assembly in the maintenance of international peace and security and expressed grave concern at instances wherein the Security Council fails to address cases involving genocide, crimes against humanity or war crimes. They further emphasized that in such instances where the Security Council has not fulfilled its primary responsibility for the maintenance of international peace and security, the General Assembly should take appropriate measures in accordance with the Charter to address the issue.

The 2005 World Summit Outcome provides a clear mandate and guidelines for the General Assembly. The Secretary-General's report offers some initial ideas on how to go about it and constitutes an important input for the General Assembly to continue consideration of R2P and its implications.

In order to build consensus on the way forward, there must be clarity on what needs to be done based on our agreement that each individual State has the responsibility to protect its population. Capacity-building is key in this regard in order to allow States to shoulder their responsibility and to allow the international community, under the umbrella of Chapter VIII of the United Nations Charter, to support their efforts, as necessary and appropriate, and to assist those States which are under stress before crises and conflicts break out.

The Secretary-General has rightly noted in his report and presentation that the African Union is a pioneer in implementing the responsibility to protect due to its particular historical experience. The conditions for implementation are clearly stipulated under Article 4 (h) and (j) of the Constitutive Act of the African Union, namely, in order to restore peace and security upon the request of the State and only pursuant to a decision of the Assembly of the Union. To date, the African Union has dispatched two operations, both upon the decision of its Assembly. Other regions may have developed or are in the process of developing similar or different perspectives. It would therefore be important to study the lessons learned and explore possible measures to enhance cooperation between the United Nations and regional arrangements.

Finally, as the heads of State and Government of the Non-Aligned Movement affirmed in Sharm el-Sheikh, the Movement will remain seized of and active in further deliberations of the General Assembly on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, bearing in mind the principles of the United Nations Charter and international law, including respect for the sovereignty and territorial integrity of States, non-interference in their internal affairs and respect for fundamental human rights.

The Non-Aligned countries, therefore, will participate actively in the deliberations on this issue with a view to reaching consensus on the implementation of the contents of paragraphs 138, 139 and 140 of the 2005 World Summit Outcome.

Lord Malloch-Brown (United Kingdom): I would like to align the United Kingdom with the statement delivered by the Swedish Permanent Representative on behalf of the European Union. I am particularly pleased to be delivering the United Kingdom's statement at this debate on implementing the responsibility to protect (R2P).

The endorsement of R2P by the largest-ever assembly of world leaders was for me personally, as well as for all of us in the United Nations family, one of the most important elements of the World Summit Outcome (resolution 60/1). As an achievement, it was nothing short of groundbreaking and one of which we should be rightly proud. And we should give thanks to our African colleagues for showing us the way with their own commitment to the principle of

non-indifference, as enshrined in the African Union Constitutive Act.

The term "never again" resonates with us all. Our shared memories of Rwanda and Srebrenica ensure that it is a commitment that every United Nations Member State can and must support. The question has always been how to put this into practice. The responsibility to protect is a concept which allows us to do just that. And now, four years after we agreed the principle, the United Kingdom welcomes this debate on how to take forward implementation within the United Nations. The Secretary-General has provided us with recommendations — a framework, if you like — for action, and I congratulate him and the team that prepared his report (A/63/677). But we must play our parts and seize this opportunity to continue consideration of how to make real progress on operationalization.

The United Kingdom finds the report well-balanced and true to the 2005 agreement. It is clear about what responsibility to protect is and also, in the face of many misconceptions, what it is not. More importantly, the report is also practical. The three-pillared approach of State responsibility, assistance and response aids conceptual clarity, as does the emphasis on the need for an early and flexible response. Every situation is different, and we must guard against an overly prescriptive and, I would say, overly simplistic checklist approach to action.

Responsibility to protect activity encompasses a wide range of possible actions designed to help States protect their populations — all, as the Secretary-General makes clear, in accordance with the United Nations Charter. Collective action should be determined by an assessment of the situation on the ground and of the best tools suited to address that.

In this context, I should take a moment to highlight the importance of two issues, the first being the key role to be played by regional organizations. If we are to implement R2P effectively, it is right that they should take or share the lead in reacting to crisis situations in their regions. Secondly, there is value to be found in improving and better coordinating our early warning efforts and our use of and receptivity to information. A more cohesive United Nations approach to this can only enhance our collective prevention efforts.

The Secretary-General's explanation of responsibility to protect as a "narrow but deep" concept is also helpful in terms of implementation. While the concept applies to the four crimes only, there are many ways and means by which States can put it into practice. In the United Kingdom's view, R2P should be a governing principle of all Member States' work across the conflict spectrum, as well as on human rights and development. Building good governance, the rule of law and effective judicial and security sectors all goes towards building a preventive environment in which responsibility to protect crimes would be less likely to take place.

I will conclude by saying a little about what I think we should be trying to achieve here, and that is an R2P culture — a culture of prevention that is as much about responsible sovereignty as it is international assistance; a culture that in the long term will help us to prevent mass atrocities and reduce conflict and the cost of conflict; a culture that will help us to build an international system which is better equipped and more effective at preventing and responding to conflict; and a culture which fosters our ability to reach consensus on timely and decisive action.

I do not think that anyone here would disagree with those goals, and I very much hope that none would seek to delay implementation through procedural or administrative means. This is too important to us all. We made a commitment in 2005 to practical action. We must now live up to that.

Mr. Natalegawa (Indonesia): Let me first express my delegation's deep appreciation to the President for convening this meeting on the responsibility to protect. We also appreciate the informal thematic dialogue held earlier this morning on the issue. Likewise, Indonesia wishes to express its appreciation to the Secretary-General for his report on implementing the responsibility to protect (A/63/677). My delegation associates itself with the statement delivered earlier by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

At the World Summit in 2005, the question of responsibility to protect was brought into the mainstream of international discourse, and, most significantly, world leaders were able to reach consensus on the issue. Hence, there is hardly any need to reinvent the wheel. As asserted by the Secretary-

General in his report, the task ahead is not to reinterpret or renegotiate the conclusions of the World Summit; rather, it is to find ways of implementing its decisions.

It is against this background that my delegation appreciates and acknowledges the significance of the aforesaid report of the Secretary-General. It will facilitate General Assembly's deliberations aimed at operationalizing the implementation of the 2005 World Summit mandate on the responsibility to protect.

We are not in disagreement with the three pillars of the responsibility to protect: the primary responsibility of every State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity; the responsibility of the international community to assist States in fulfilling their national obligations, including capacity-building; and the commitment to take timely and decisive action, consistent with the Charter of the United Nations, in those situations where a State is manifestly failing in its responsibility to protect. In our view, within — and specifically within — the framework of the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, these three pillars are solid enough to withstand any and every assault.

Indonesia believes that the framework which was agreed by the World Summit in 2005 imposes on each State the responsibility to protect its citizens. This responsibility must be emphasized along with the responsibility of the international community to assist States that require capacity-building assistance. The horrors of the twentieth century inform the final pillar, namely, that timely and decisive action within the Charter is an option on the table should a State be manifestly failing in its obligation to protect. It is worth emphasizing, however, that pillar three also encompasses a wide range of non-coercive and non-violent responses under Chapters VI and VIII of the Charter.

We believe that prevention is key. In this regard, responsibility to protect is also about efforts to strengthen the capacity of Member States to meet the minimum criteria of good governance and application of the rule of law. This perspective will in turn assist Member States in providing better protection for their populations. Hence, at this juncture, the discussion of the responsibility to protect in the General Assembly should include a comprehensive and clear strategy aimed at strengthening capacity-building programmes.

The report of the Secretary-General has identified a number of possibilities which are deserving of careful consideration. We welcome in particular the acknowledgement of the innovative steps taken by some regional or subregional organizations in promoting capacity-building. The potential value of region-to-region learning processes cannot be underestimated.

We share the view that clear ways must be defined concerning partnerships between States and the international community. Without doubt, the subject of international assistance and capacity-building, which is referred to in the report under pillar two, will greatly influence whether the strategy for implementing the responsibility to protect will succeed or fail.

A focus on prevention also necessarily entails the strengthening of the United Nations early warning capacity, not least by working closely with its regional and subregional partners, as well as by heightening, consistent with their mandates, responsibility to protect perspectives within existing and relevant United Nations departments, programmes and agencies.

We are cognizant, however, that the challenge extends beyond better information. In this regard, Indonesia looks forward to the Secretary-General's proposals on strengthening the United Nations early warning system, to be submitted later this year.

The report suggests that the General Assembly might consider the possibility of conducting a periodic review of what Member States have done to implement the responsibility to protect. We feel that this issue needs a clear and practical modality before a discussion on it takes place in order to ensure the true added value of such an exercise.

Finally, while emphasizing the 2005 consensus on the responsibility to protect, it is important not to underestimate the magnitude of the challenge ahead in operationalizing the concept. In striving for such an outcome, we must ensure that the hard-gained 2005 consensus is preserved, nurtured and, indeed, built upon. The present report of the Secretary-General is invaluable in this regard. My delegation stands ready to engage constructively in discussing the various important issues raised therein.

Mr. Lacroix (France) (*spoke in French*): At the outset, I would like to say that my delegation fully endorses the statement made earlier by the Permanent Representative of Sweden on behalf of the European Union.

In 2005, the heads of State and Government, meeting at the World Summit, wanted to ensure that never again would we witness mass atrocities in the world — crimes of intolerable scope and cruelty that were all too widespread in the twentieth century. For that purpose, they defined by common agreement and by consensus the principle of the responsibility to protect which brings us here today. This principle is in line with other thinking and legal frameworks.

By virtue of both its preventive dimension and its operational aspect, which can, if necessary, result in a collective action under Chapter VII, it is a key element in the fight against mass atrocities on a par with international humanitarian law, international human rights law and the international criminal justice.

Let me recall that its emergence was made possible by the conceptual leap made in the 1990s with the birth of the right of humanitarian intervention for the benefit of victims, as formulated by France and Bernard Kouchner, and which was ratified by several resolutions of the General Assembly. The Convention on the Prevention and Punishment of the Crime of Genocide, whose sixtieth anniversary we have just celebrated, also paved the way for the responsibility to protect.

The responsibility to protect is not a geographic concept to be implemented exclusively by developed nations. It was developed, I would recall, as a result of the thinking of prominent figures from every continent. Evidence of that fact is that Article 4 of the Constitutive Act of the African Union (AU) established in 2004 the principle of the right of the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances, namely, war crimes, genocide and crimes against humanity.

In fact, States, the international community and the United Nations system have contributed to the implementation of the responsibility to protect for many years. Whether in Kenya in 2008 or in the former Yugoslav Republic of Macedonia in 2001, the international community has demonstrated that it is possible to avoid the worst by mobilizing all stakeholders. Twice in 2006, the Security Council reaffirmed the provisions of paragraphs 138 and 139 of the 2005 Summit Outcome, in its resolution 1674 (2006) on the protection of civilians in armed conflict and in resolution 1706 (2006) on the crisis in Darfur. Resolution 1674 (2006) on the protection of civilians also made it possible to integrate the issues of human rights and international humanitarian law in a dozen peacekeeping operations, thereby making it possible to avoid mass atrocities.

The responsibility to protect therefore already largely exists. Heads of State and Government recognized it as a universal principle nearly four years ago. It is increasingly becoming an expectation among populations throughout the world, as well as among members of the international community in general. We are therefore meeting not to discuss the definition of the concept, but rather to debate the means to strengthen its implementation and its respect, as the Secretary-General calls on us to do in his report (A/63/677).

France welcomes the report presented to us two days ago by the Secretary-General. We believe it is accurate and pragmatic. The report proposes an approach that is both targeted and in-depth, strictly confining the responsibility to protect to four crimes enumerated by the 2005 Final Document, namely, genocide, war crimes, ethnic cleansing and crimes against humanity. France will also remain vigilant to ensure that natural disasters, when combined with deliberate inaction on the part of a Government that refuses to provide assistance to its population in distress or to ask the international community for aid, do not lead to human tragedies in which the international community can only look on helplessly.

France welcomes the important role that the report assigns to preventive action, which is a key component of the responsibility to protect by virtue of the definition it establishes for national sovereignty, under which a State has lasting obligations towards its people.

State respect for human rights law, international humanitarian law and refugee law is the first step towards responsible sovereignty and preventing the four crimes I have mentioned. As the Secretary-General has done in his report, we call on States to fully adhere to the permanent international instruments pertaining to those rights and to collaborate with the

institutions associated with them, in particular the Office of the United Nations High Commissioner for Human Rights and the Human Rights Council and its special procedures.

The fight against impunity is also one of the preventive tools capable of preventing mass crimes. France encourages all States that have not yet done so to become party to the Rome Statute on the International Criminal Court and to put in place national legal mechanisms to ensure that no grave crime goes unpunished.

The international community has a role to play in strengthening the capacity of States to help them to exercise responsible sovereignty in order to protect their people. The report of the Secretary-General lists a whole range of international and regional mechanisms, which are often linked to the institutions I have already mentioned. We encourage the United Nations system to work in partnership with States in that regard, as well as to integrate the philosophy of the responsibility to protect into its programmes. We look forward to the recommendations that the Secretary-General will provide us with regard to strengthening early warning mechanisms at the United Nations.

Likewise development aid, by promoting democratic governance and respect for the rule of law, plays a major role in implementing the responsibility to protect.

France shares the viewpoint highlighted in the report with respect to the balance between the three pillars. The responsibility to protect is not limited to the response to be given to a crisis situation; quite the opposite, its success depends upon our ability to strengthen the prevention of mass crimes. However, the responsibility to protect would not be complete without the third pillar, which gives it its full meaning — that is, the international community's reaction when one of the four crimes is being or is about to be committed.

As the report points out, the international community's reaction can take many forms. It is not limited solely to action by the Security Council, even though that, as determined by the Charter of the United Nations, is essential. Nor is it limited solely to actions taken under Chapter VII. It also includes the whole host of measures for peaceful settlement of disputes provided for in Chapters VI and VIII of the Charter of the United Nations.

The Secretary-General's report clearly shows that the responsibility to protect is a broad concept, whose key element is prevention, and that it is everybody's business. First and foremost, it is the responsibility of States, which are reminded to implement national and international mechanisms to prevent, by respecting human rights and fundamental freedoms, the emergence of situations that could lead to the four crimes. And that responsibility is also the business of all regional organizations, which have an essential role to play, as well as every international organization working, directly or indirectly, to preserve peaceful conditions. Finally, it is the business of the United Nations and its various bodies, beginning with the Security Council, the Secretariat and the funds and programmes.

France calls on nations, the international community and the United Nations as a whole to meet this challenge so that the world will never again witness such heinous crimes as genocide, war crimes, ethnic cleansing and crimes against humanity. France will be fully involved in that daily effort, whether through bilateral action with its partners, through its development policy or as a member State of the regional and international organizations to which we belong.

Mr. Davide (Philippines): At the outset, my delegation commends the President for organizing these activities relating to the subject of the responsibility to protect (R2P), which are ending with this open debate on the report (A/63/677) of the Secretary-General on implementing the responsibility to protect. My delegation would also like to commend and congratulate the Secretary-General for his report, which is undoubtedly comprehensive and enlightening and has been prepared with the utmost care and prudence.

The report's discussion of its mandate, the context and the definition of its approach, the identification of the three pillars of R2P and its recommended prescriptions for the way forward would have warranted an earlier discussion or debate thereon by the General Assembly for it to enable itself to formulate effective measures to further invigorate and give fuller meaning to R2P. As it is, nearly three and a half years had already gone by since September 2005, when the biggest gathering in history of heads of State and Government convened at the 2005 Summit and approved the concept of R2P by enshrining it in

paragraphs 138 and 139 of the Summit's Outcome Document. We are lucky that it has not been forgotten at all. The report of the Secretary-General could yet be the best document to provide us a healthy environment to nurture and cultivate the R2P principle towards its early maturity.

The political foundation of R2P in paragraphs 138 and 139 of the 2005 World Summit Outcome is firmly anchored in existing international practice. The concepts in those two paragraphs do not create new binding norms, but build on current international standards condemning genocide, war crimes, ethnic cleansing and crimes against humanity and confirming their classification as international crimes. In fact, paragraph 138 is just a restatement of the positive binding obligation of States to protect their populations from the four crimes enumerated therein. As to paragraph 139, the term "collective action" is clearly meant to be applied or used strictly in accordance with the Charter of the United Nations, bearing in mind respect for the sovereignty and territorial integrity of States, non-interference in their internal affairs and respect for fundamental human rights.

More important, of course, is that the adoption by our leaders at the highest level of paragraphs 138 and 139 demonstrated a strong political commitment that accomplished a breakthrough by providing a new framework for understanding and applying existing legal obligations concerning those four international crimes. Our leaders, haunted, tormented and tortured by the memory of the past in relation to genocide, war crimes, ethnic cleansing and crimes against humanity — which, sadly and painfully, are still being committed today in some parts of our planet — and resolved to put an end to those crimes, left nothing vague with regard to the scope or intent of R2P. It should be limited to those four crimes and applied only to them. Any attempt to enlarge its coverage even before R2P is effectively implemented will only delay, if not derail, such implementation; or worse yet, diminish its value or devalue its original intent and scope.

Indeed, the call of the hour is to translate into concrete action and deed the voice, and implement the will, of our leaders as expressed in R2P. The Secretary-General's report provides the road map for our deliberations on how the General Assembly should proceed in operationalizing the concept of the responsibility to protect.

The successful implementation of any initiative in the United Nations depends on support from the Member States. That support is engendered through frank and transparent discussions and dialogue conducted with the utmost good faith. Today's plenary debate is the ideal venue to begin those discussions and dialogue to develop a clear understanding on how R2P can be implemented, as well as to be enlightened on its implications for the work of the United Nations.

For the time being, my delegation would like to make the following points in relation to the report of the Secretary-General.

First, let me begin with pillar one, on the protection and responsibilities of the State. We fully concur with the statement that

> "The responsibility to protect, first and foremost, is a matter of State responsibility, because prevention begins at home and the protection of populations is a defining attribute of sovereignty and statehood in the twenty-first century." (*A/63/677, para. 14*)

In the Philippines that responsibility is mandated by the Constitution itself. Section 4 of article II thereof provides that "The prime duty of the Government is to serve and protect the people". That is so because, as also solemnly enshrined in section 1 of the same article, "Sovereignty resides in the people and all Government authority emanates from them". The best guarantees that a State can provide to protect its citizens are its adherence to democratic principles, ideals and practices; the protection and promotion of fundamental human rights and of the dignity and worth of every human person; the observance of the rule of law; an independent judiciary; good governance; and, for United Nations Member States, unconditional fidelity to the United Nations Charter and observance of the Universal Declaration of Human Rights.

Second, as to pillar two, on international assistance and capacity-building, and pillar three, on timely and decisive response, the General Assembly and the Security Council, as well as the Secretary-General, should have an active and substantive role in their implementation. It must be underscored that the General Assembly approved paragraphs 138 and 139 in 2005. Its overall role on the issue, specifically as regards oversight over its implementation, must be promoted and strengthened with abiding vigour and

vitality. It should never be diminished or diluted. The latter may only make R2P all sound and fury.

Third, the concept of R2P should be universal, that is, applied equally and fairly to all States, although the manner of implementation would be on a case-to-case basis. Doing otherwise would raise the issue of selectivity and would bring up valid and legitimate questions about the criteria used for the priority given to situations requiring action.

Fourth, the time frame and mandate of any action to be taken under pillars two and three should be clearly defined without any trace of ambiguity. Open-ended or ambiguous mandates are indications of indecisiveness, or even weakness, and should not be tolerated, for it could cause not only confusion but dismal failure.

Fifth, the United Nations resources to be used for R2P should not affect other activities undertaken in the context of other legal mandates, such as development assistance. It may be recalled that there is still an imbalance in the programme budget for items relating to the three intertwined and indivisible pillars of the United Nations — the promotion of peace and security, development and human rights. R2P may further skew the balance against development.

Sixth, international assistance and capacity-building should focus on maximizing the contributions from regional and subregional organizations. In particular, the United Nations should look into building up the civilian capacities of regional and subregional organizations to prevent the commission of crimes covered by R2P. The Organization should also look into the potential value of region-to-region learning processes and their adaptation to local conditions and cultures.

Seventh, there should be more focused discussions on the implementation and modalities for pillar three, on timely and decisive response, which is the most controversial pillar. Deliberations should lead to more clarity with respect the use of force in enforcing R2P. It is imperative that policies, principles and rules be laid out in cases where coercive force may be applied in extreme situations. Dialogue and peaceful persuasion — measures taken under Chapters VI and VIII of the United Nations Charter — should take precedence over coercive responses.

My delegation looks forward to a meeting of minds among us that will lead to a fair, reasonable, responsible, responsive, effective and expeditious operationalization of R2P. In doing so, let us bear in mind the words of Sir Edmund Burke, which I find very relevant to our discussions today: "All that is necessary for the triumph of evil is that good men do nothing".

Mrs. Viotti (Brazil): I would like to thank the President for convening this debate, which is both timely and appropriate. The implementation of the responsibility to protect (R2P) as spelled out in the 2005 Summit Outcome Document requires serious and careful consultations among all Member States. The General Assembly is the proper venue for that process, as the chief deliberative, policymaking and representative organ of the United Nations. I would also like to thank him for the conceptual note prepared for this occasion.

My delegation is also grateful to the Secretary-General and to his Special Adviser Edward Luck for the report (A/63/677) before us, which we welcome. It constitutes a balanced and thought-provoking effort to assist Member States in their search for the best way to render operational the concepts enunciated in paragraphs 138 and 139 of the Outcome Document. My delegation's participation in this important exercise is based on a few premises. The first one is that this is not a discussion between those who cherish the dignity of human life and those who do not. By definition, all Member States subscribe to the core values enshrined in the Charter and are bound to act accordingly. The obvious fact that the observance of those values varies from country to country neither authorizes nor recommends Manichean views, which will lead us nowhere.

Secondly, the political boundaries of the responsibility to protect were clearly set by our heads of State and Government in 2005, and we are not mandated to alter them in one way or another. As indicated by the report of the Secretary-General, attempts to expand the responsibility to protect to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters, "would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility". (*A/63/677, para. 10 (b)*)

Thirdly, ignoring legitimate concerns expressed by many Member States is not going to take us forward. If we want to succeed — and I believe that we all do — we must address those concerns effectively by ensuring that the implementation of the responsibility to protect is fully consistent with the Charter. That means, inter alia, recognizing that a State's responsibility to protect does not qualify State sovereignty. Paragraph 138 is clear in that such responsibility is taken up by States individually. On the other hand, the attribute of sovereignty does not exempt the State from its obligation to protect its population. On the contrary, it is from that very attribute that such obligation derives.

As we embark upon this collective effort to appropriately implement the agreement reached in 2005, we would also benefit from a clear understanding of the nature of the responsibility to protect. In Brazil's view, it is not a principle proper, much less a novel legal prescription. Rather, it is a powerful political call for all States to abide by legal obligations already set forth in the Charter, in relevant human rights conventions and in international humanitarian law and other instruments. Just as important, it is a reminder to the international community that it already has the instruments needed to act, namely, those mentioned in paragraph 139 of the Outcome Document.

The implications of such an understanding of the responsibility to protect are far from academic: perpetrators of the four crimes referred to in the document cannot argue in their defence that the responsibility to protect is still to be implemented, nor can the international community justify inaction with a lack of legal instruments. The tragedy in Rwanda, for example, took place neither because authorities were unaware of their legal obligation to protect their populations nor because the international community did not have the means to stop them. That is a sad truth, but we must be true to ourselves if we are serious about the responsibility to protect.

The Secretary-General's report presents the content of paragraphs 138 and 139 of the Outcome Document in three different pillars. That image may be useful as a means to indicate the basic elements of the notion of the responsibility to protect. However, there is a political subordination and a chronological sequence among them. The responsibility to protect a population from genocide, war crimes, ethnic cleansing and crimes against humanity is first and foremost an obligation of the State. Only if and when a State manifestly fails to fulfil such obligation may the international community take collective action in accordance with the Charter. In other words, the third pillar is subsidiary to the first one and a truly exceptional course of action, a measure of last resort.

With regard to the second pillar, it is complementary to the first one. That is a means to assist the efforts of the State to fulfil an obligation that is primarily its own.

Among the two pillars directly related to the international community, the one regarding assistance and capacity-building must certainly concentrate our attention and energy. Brazil attaches particular importance to the aspect of prevention, as we have already stated in several other forums such as the Security Council and the Peacebuilding Commission. The first step towards a durable solution to humanitarian crises is to identify their root causes, which usually include underdevelopment, poverty, social exclusion and discrimination. Therefore, in addressing the responsibility to protect, we should deal first and foremost with cooperation for development and try to devise ways to reduce the disparities of all sorts that exist within nations, and among nations and regions.

In that regard, the role of the United Nations is indispensable. It must be given the financial and human resources needed to help States facing material and institutional difficulties to ensure the protection of their populations. For its part, the United Nations system must make the best use possible of such resources in a way that increases the long-term capacity of States to protect their own people.

International assistance and capacity-building should be conceived as a positive support system, as necessary and appropriate. Considerations contained in the report of the Secretary-General as to whether the assistance measures in a given case would be "of little use and the international community would be better advised to begin assembling the capacity and will for a 'timely and decisive' response, as stipulated under paragraph 139" (*ibid., para. 29*) seems to reveal a punitive intention when it comes to the implementation of the responsibility to protect. That perception must be avoided.

Brazil advocates the concept of non-indifference as a way of emphasizing the responsibility of the international community when faced with humanitarian disasters and crises, including those resulting from hunger, poverty and epidemics. These are humanitarian catastrophes that can be prevented or mitigated through political will and short-, medium- and long-term cooperation. That requires that developed States fulfil their development-related obligations, as agreed in Monterrey and in the Doha review conferences. Non-indifference also calls for enhanced South-South cooperation and innovative financing mechanisms that complement traditional sources of financing for development. Brazil seeks to implement that approach in its South-South activities.

In conclusion, I wish to express my delegation's willingness to actively participate in the consultations we are now initiating. If guided by a shared sense of objectivity and inclusiveness, in conformity with the Charter, such a process should succeed.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): I would first of all like to associate myself with the statement delivered by the representative of Egypt, who spoke on behalf of the Non-Aligned Movement.

Secondly, I would like to thank and commend the Secretariat for the document entitled "Implementing the responsibility to protect", which has been issued under the symbol A/63/677. I do not say it as a mere courtesy. The document is extremely well crafted, not only from the perspective that matters most, namely, substance, but also in its structure and drafting. We also appreciate the President's own concept note, which was circulated on 17 July. We also thank him for having organized this morning's interesting panel on the issue before us.

Our delegation is among those that believe that paragraphs 138 and 139 of the 2005 World Summit Outcome Document were one of the singular achievements of that meeting. The evolution of the doctrine on humanitarian law over the past 20 years made viable the unanimous acceptance of the responsibility to protect in 2005. We understand that it is not a matter of binding humanitarian law, but rather an important framework on the way that the international community is to deal with the four categories of crime that those paragraphs address.

As an example, I should like to refer to my own country, which, like others in Latin America, long supported military dictatorships. It is debatable whether the indescribable crimes committed in some cases rise to the category of genocide or crimes against humanity. However, the point is that, after the long authoritarian night, Governments emerged in our region, including of course my own, that were prepared to assume their own responsibility for protecting and promoting the human rights of their respective populations.

Some of the so-called truth commissions that were established with the emergence of democracy issued reports aptly entitled "Never Again". That included one of the reports issued in my own country of Guatemala. We believe that the time has arrived for the international community as a whole to say "never again" to genocide, war crimes, ethnic cleansing and crimes against humanity. Too many flagrant cases occurred during the past 60 years of the twentieth century, and we are still facing situations that could be qualified under one of those four categories in the first decade of the twenty-first century. In other words, we have made progress in conceptual and doctrinaire terms, but there is still some way to go to fulfil the aspiration that such abuses will never again be committed. In that regard, the Secretary-General's report is not only well crafted, but exceptionally timely.

Indeed, as indicated in paragraph 67, the report can help us to turn the words of the 2005 World Summit Outcome into doctrine, policy and, most importantly, deeds. That is to say that, as also suggested elsewhere in the report, it is important to be able to count not only on a conceptual framework but also on an instrument that allows us to move from rhetoric to action. We believe that the document and the proposals contained therein in the three categories explored — the three pillars — make a significant contribution to our ability to move forward.

It is now necessary to recognize that, at an abstract or intellectual level, all Member States accept the concept of the responsibility to protect (R2P). However, with regard to its potential implementation, the concept still arouses certain apprehensions, as is made clear in the concept paper prepared by the President of the General Assembly. Among those, four stand out.

First, some still have difficulty reconciling the status of sovereign independent States with

commitments that could be interpreted as being of a supranational nature. That is so despite the conceptual breakthroughs achieved with regard to the issue itself, including, among others, the independent International Commission on Intervention and State Sovereignty convened by the Government of Canada in the year 2000, which perceived the responsibility to protect as an act of shared sovereignty.

Secondly, for countries like mine that greatly value the principle of non-intervention in the internal affairs of sovereign States, there is a lingering suspicion that the responsibility to protect can, in specific moments or situations, be invoked as a pretext for improper intervention.

Thirdly, there are divergences with regard to the character of the crimes that the responsibility to protect is designed to address. Not everyone sees things the same way when we try to define the concepts of genocide, war crimes, ethnic cleansing and crimes against humanity. Although those have been the object of international codification, the latter has not been uniform and there are even variances with regard to what is established by customary international law.

Fourthly, there is some overlap in the implementation of R2P and the role of the Security Council, with its known shortcomings, which, whether we like it or not, links the discussion of the responsibility to protect to the most controversial item of our current agenda, namely, the reform of the Security Council.

We believe that one of the greatest merits of the Secretary-General's report is that it moves in the direction of dissipating those apprehensions, especially with respect to reconciling the inescapable obligation of each State to protect its own population with the shared responsibility of the community of nations to assure that each State is in a position to meet that basic commitment. The document usefully bases the concept on three separate but interconnected pillars. Also useful is the report's focus on the fact that the third pillar should be conceived in such a way that responses to specific situations be reasoned, calibrated and timely. Although the document does not state so explicitly, it is clear that the use of force must be considered as a recourse of last resort, and only on the basis of a Security Council resolution.

Nevertheless, further clarification may perhaps be necessary to mitigate apprehensions relating to the risk that some actors, individually or collectively, may abuse the responsibility to protect to further aims that are incompatible with the noble objectives of that doctrine. That should be done in such a manner so as not to limit the third pillar to such an extent so as to render it meaningless. Indeed, it is precisely for that reason that we must continue to refine the conceptual framework in order to codify it in such a way as to facilitate its practical application, but not to neutralize or limit it to such a degree as to render it inoperative.

Lastly, we have heard some colleagues express doubts as to whether our discussion of today requires any outcome. My delegation firmly believes that it does, first, because paragraph 139 contains a precise instruction that the General Assembly should continue to consider the matter and, secondly, because the concept requires further development. Our delegation thinks that the Secretary-General's report contains sufficient material to enable the General Assembly to complement paragraphs 138 and 139 of the 2005 World Summit Outcome Document with a resolution that serves as the equivalent of a set of rules for the practical application of the responsibility to protect.

Mr. Yáñez-Barnuevo (Spain), Vice-President, took the Chair.

For example, among the many areas requiring further development is the issue of helping the United Nations to establish an early warning system. Under no circumstances would that entail revising the contents of those paragraphs, as we agree fully with the Secretary-General that they require no modification whatever, much less an effort to weaken them. What may perhaps be needed is to codify the manner of applying the concept through the length and breadth of the three pillars that the Outcome Document itself identifies, but whose content and scope are developed in the Secretary-General's report, while at the same time dissipating the apprehensions that still exist on the matter. We are prepared to fully participate in the consideration of a draft resolution of that nature, which should also be perceived as part of a gradual but progressive process of development.

Ms. Čolaković (Bosnia and Herzegovina): First of all, my delegation wishes to commend the President of the General Assembly and his effort to organize this important event, including this morning's very productive and interactive exchange of opinions with distinguished panellists with regard to the very

comprehensive report (A/63/677) of the Secretary-General on the responsibility to protect (R2P). I would also like to add that my delegation endorses the statement delivered by the representative of Sweden on behalf of the European Union.

Today and in times to come, the importance of the responsibility to protect, especially in the light of ensuring the safety of people within a country's borders, is an issue to which the United Nations and the international community must pay exceptional attention. As the world's leaders outlined in the 2005 World Summit Outcome, the United Nations is responsible for undertaking appropriate measures and collective action in accordance with the Charter, including under Chapter VII, to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

The notion of sovereignty implies the responsibility of a State to protect its own population and to respect human rights. If a State is unable to do so, the international community ought to take a stand and undertake adequate measures to put an end to such activities. Neither a State nor the international community, and especially the United Nations, as the highest institutional forum for multilateral diplomacy, has the right to turn a blind eye on any practice that could lead to grave violations of international humanitarian law.

The responsibility of Member States to respond collectively does not always have to be a choice between observing passively or using military force. Some States need the assistance of the international community to build up their capacity to protect. However, a prerequisite for that is the readiness of their political leaders to genuinely accept assistance. In that regard, the assistance of regional and subregional organizations and neighbouring countries has a pivotal role to play. Regional organizations should have relevant instruments to support capacity-building in the areas of conflict prevention, the rule of law, security sector reform, development and human rights and the protection of refugees and internally displaced persons.

However, when it is evident that diplomatic efforts have failed and that States or non-State actors are committing or are about to commit crimes related to the responsibility to protect, collective international military assistance, as proposed by the Secretary-General in his report, may be the surest way to support States in meeting their obligations relating to the responsibility to protect.

As the report points out, the worst human tragedies of the past have not been exclusively rooted in geography or economic factors. No State or region is immune to them. Today as in the past, no international organization has the full capacity to either prevent conflict or to protect populations from their consequences.

Bosnia and Herzegovina attaches the utmost importance to the establishment of a United Nations early warning capability, as was recognized at the 2005 Summit. However, that raises the question of the establishment of a mechanism that could effectively lead from early warning to concrete action by the international community and the United Nations. State sovereignty cannot be a definite obstacle when confronting the greatest crimes known to humankind.

My delegation has no intention of blaming and shaming the international community for what it did not do or what it did belatedly with regard to the conflicts that emerged during the process of the dissolution of the former Yugoslavia. However, I would like to recall that there were clear warning signs. Political leaders from multi-ethnic societies calling for the establishment of States based on a single ethnic group that denied equal rights to other ethnic groups was just such a sign. Media favouring certain leaders who were true extremists was another. The emergence of armed groups was not just a warning sign; it was the last call before disaster was precipitated. Unfortunately, what happened afterward is well known.

In that regard, we would like to remind the Assembly of what was stated in the judgement of the International Court of Justice in its ruling on 26 February 2007:

> "the acts committed at Srebrenica ... were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed ... in and around Srebrenica from about 13 July 1995." (*International Court of Justice, decision of 26 February 2007 Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide, para. 297*)

A few days ago, we commemorated 14 years since the Srebrenica tragedy, which took place in the heart of Europe. Today we have an international institution and mechanisms that represent the legacy of an unfortunate time in our history, namely, the International Criminal Tribunal for the former Yugoslavia. An important aspect of prevention is the sending of the strong message that perpetrators of crimes of genocide, war crimes, ethnic cleansing and crimes against humanity will be brought to justice and prosecuted.

Becoming a party to international human rights instruments, in particular, the Rome Statute which established the International Criminal Court, and adherence to international humanitarian law and refugee law should be factors of stability for every single State. The political leaders of States parties to the Rome Statute have to be aware that their actions or wrongdoing with respect to human rights or provisions of international humanitarian law are subject to scrutiny. That aspect should not be underestimated, nor should it be misused. In that regard, international standards have to be incorporated into national legislation and carefully guarded. Domestic law in that case would be the first line of defence in upholding human rights and humanitarian law.

Ms. DiCarlo (United States of America): Let me begin by thanking the Secretary-General for his comprehensive and balanced report (A/63/677). We appreciate the opportunity to comment on this important issue today. Since the Holocaust, the world has often said "never again", but we all have much more to do to give those words real meaning and strength. The type of horrors that marred the twentieth century need not be part of the landscape of world politics. The United States is determined to work with the international community to prevent and respond to such atrocities.

Four years ago, at the World Summit, States Members of the United Nations unanimously agreed that sovereignty comes with responsibility and that States have a particular obligation to protect their populations from such atrocities as genocide, war crimes, ethnic cleansing and crimes against humanity. The responsibility to protect follows a path laid out by the African Union's Constitutive Act, in which our African colleagues pledged non-indifference in the face of mass crimes.

The responsibility to protect complements principles of international humanitarian and human rights law to which we have all committed. It reflects our collective recognition of past failures to save the innocent from the worst forms of atrocity and abuse. That is important progress, and the United States supports it.

The Secretary-General reminds us that the great crimes of the past century were not confined to any particular part of the world. They occurred in the North and in the South, in poor countries and in affluent ones. Sometimes they were linked to ongoing conflicts; sometimes they were not. We still know too little about the paths that lead to mass atrocity, but in the twenty-first century we cannot wait for such crimes to occur. We must look for ways to prevent them.

The Secretary-General's report provides an important framework for translating the commitments we made in 2005 into action. It elaborates three pillars that underscore the policies and instruments that we must mobilize, and it highlights the need for stronger conflict management, sufficient resources and better coordination of international efforts.

We must do more to respond effectively to early warning signs. The United States strongly supports effective United Nations human rights machinery, including more credible action from the Human Rights Council and timely information on unfolding and potential calamities from the Office of the High Commissioner for Human Rights and the network of independent United Nations rapporteurs and experts. The United Nations mediation standby teams can also play an important role, but these teams must be strengthened.

The potential for mass atrocities is greatest amid war and civil strife, so we must redouble our efforts to prevent or swiftly respond to outbreaks of violence. That means more effective peacekeeping and peacebuilding, including intensified efforts to address sexual and gender-based violence.

Today we have a better understanding of the ways that poverty, environmental pressures, poor governance and State weakness raise the risk of civil conflict, but the tools at our disposal to address those challenges must be sharper, stronger and deployed more consistently. Where prevention fails and a State is manifestly failing to meet its obligations, we also need to be prepared to consider a wider range of collective

measures. Only rarely and in extremis would these include the use of force.

We must work together towards attaining peace, justice, accountability and dignity for all. The United States stands prepared to work with all partners — the United Nations, regional organizations that play such a vital role in peace and security, non-governmental organizations and others — towards these ends. Ultimately, the greatest obstacle to swift action in the face of sudden atrocity is the lack of political will. Together, let us work to summon the courage of our convictions and the will to act.

Mr. Grauls (Belgium) (*spoke in French*): It will soon be four years since our heads of State and Government unanimously and irrevocably enshrined the principle of the responsibility to protect. In so doing, we offered a promise of hope to humanity — the promise of a future in which the words genocide, war crimes, ethnic cleansing and crimes against humanity would be confined to history books. In order to reach this better future, our heads of State and Government promised to fully assume their responsibilities. And they promised to work constructively and in solidarity and to offer each other a helping hand. Today, I would like to reflect on each of these promises.

All the victims of such crimes, be they in Cambodia, in Rwanda or in ex-Yugoslavia, remind us that no region or culture is safe from the horror engendered by hatred and violence. The promise of hope that was made at the highest level raised the expectations of the populations that suffered from these crimes — expectations to which we must respond. The credibility of our Organization is at stake.

Secondly, responding to this promise is the aim of today's debate. The answer lies in the implementation of what our leaders decided in 2005. By adopting paragraphs 138 and 139 of the World Summit Outcome Document (resolution 60/1), we all pledged to fully assume our responsibility both at the national level and collectively.

As underlined by the Secretary-General in his report (A/63/677), the implementation of the responsibility to protect requires first and foremost national action. The responsibility of States is paramount. There lies the importance of the first pillar and of the concept of sovereignty as responsibility. Rather than weakening sovereignty, the responsibility to protect reinforces it by turning it into responsible sovereignty.

Thirdly, if a State lacks the means to assume its responsibility on its own, the international community can and must offer assistance. That effort of solidarity is at the very heart of the very principles of the United Nations. Such solidarity is more necessary than ever, especially given the financial and other crises that we must face together. This is also about the responsibility of the international community. International support is essential, including regional and subregional support. In numerous instances, it must make it possible to build States that are genuinely responsible for their own citizens. As emphasized by the Secretary-General in his report, we should help to ensure that national capacities take root, rather than merely supporting them temporarily and artificially.

Regrettably, a State is sometimes not prepared to protect its own population against the worst crimes. In such circumstances, we cannot forfeit our collective responsibility. On the contrary, we must demonstrate our solidarity with civilian populations. If a State is not prepared to assume its responsibilities, the international community must act, using all the means at its disposal, including, as a last resort, coercive measures pursuant to the Charter of the United Nations. The collective exercise of the responsibility to protect is one of the promises we made to victims in 2005, on which we cannot renege. That leads me to my fourth and last point — implementation.

Implementation — and not the just the principle of the responsibility to protect — is at the heart of today's debate. Belgium seeks in no way to revisit on the unanimous agreement of 2005. As the Secretary-General rightly stated during the presentation of his report, "it is high time to turn the promise of the responsibility to protect into practice" (*A/63/PV.96*).

Belgium joins other delegations in thanking the Secretary-General for his commitment and for the excellent report before us today. Few of the activities proposed in his report are new. They are manifest in the full respect of the Charter, whether in the areas of mediation, conflict prevention, peacekeeping or peacebuilding. Whether they relate to the first, the second or the third pillar, they are all part of our daily work. Other proposals, such as that to develop our early warning capacity — and, therefore, our prevention capacity — merit speedy elaboration. More

than ever, we must undertake that task with determination and conviction. We promised it to the victims of odious crimes.

That is the message that Belgium wishes to convey on the occasion of this debate to complement the statement made by the representative of Sweden on behalf of the European Union, to which we fully subscribe.

Mr. Park In-kook (Republic of Korea): At the outset, let me join previous speakers in expressing my deep appreciation for the convening of this plenary meeting on the issue of the responsibility to protect (R2P).

At the September 2005 World Summit, world leaders humbly acknowledged the historic and collective failures of the international community to save human lives, as evidenced by Rwanda's genocide, the massacres in the former Yugoslavia and the ethnic cleansing in Kosovo. They made a solemn promise that they would seek to prevent such atrocities in the future. Furthermore, they affirmed the collective responsibility to protect people threatened by mass atrocities and crimes against humanity.

With the concerted embrace of the historic notion of the responsibility to protect, a lengthy debate over whether to act had ended. Instead, discussions turned to how the principle would be implemented. However, since the 2005 agreement, some concerns and arguments on the concept of R2P have arisen, largely due to misperceptions or overly broad interpretations of the concept.

In that regard, my delegation welcomes the Secretary-General's report (A/63/677) and the General Assembly's debate on implementing R2P, which provides a valuable opportunity to ensure a common understanding of R2P and to reach consensus on the overall direction of its implementation, turning promise into reality. The Republic of Korea fully supports the Secretary-General's clarification of R2P as described in his report, including the following, among others.

First, primary responsibility lies with individual Governments, while the international community bears secondary responsibility. After all, R2P is a call for States to address serious human rights issues and to protect their populations from atrocities. Responsible sovereignty should be upheld.

Secondly, R2P is an ally of sovereignty, not an adversary. R2P helps States to meet their core protection responsibilities and facilitates success in the field. In that sense, the substance of R2P has nothing to do with so-called humanitarian intervention. R2P is distinctly different from humanitarian intervention, since it is based on collective action in accordance with the United Nations Charter, not on unilateral action.

Thirdly, R2P has a narrow scope, applying only to four specified crimes and violations. Based on that understanding, the Secretary-General detailed a three-pillar approach to turn the principle of R2P into an implementable and operational tool by suggesting a wide range of options under each respective pillar.

Pillar one is self-evident. As the report states, the protection of populations is a defining attribute of sovereignty. The policies and measures suggested in the report are all effective tools for authorities to implement R2P.

The Republic of Korea attaches great importance to pillar two, which is the commitment of the international community to assist States. As the Secretary-General's report points out, if the political leadership in a given State is determined to commit R2P crimes, assistance would be of little use. However, if the leadership is willing to implement its R2P responsibilities but lacks the capacity to do so, international assistance can play a critical role.

Among the recommendations and illustrative examples of activities to assist States, we take special note of the role of regional and subregional mechanisms. In fact, the African Union (AU) pioneered the R2P principle by stating in its 2000 Constitutive Act that it would not be indifferent in the face of failure by AU members to protect their populations from genocide, war crimes and crimes against humanity. Building the capacities of regional organizations to assist States and to deal with tense situations within their respective regions would be a sound investment.

While encouraging Member States to consider proposals for building capacity, such as standing or standby rapid response mechanisms, as well as to ask for assistance when under pressure, my delegation stresses the need to mainstream the goals of R2P into the broad activities of the United Nations system. In the areas of human rights, humanitarian affairs, peacekeeping, peacebuilding, governance and

development, there should be a common strategy to assist States in implementing R2P.

Let me now turn to pillar three — timely and decisive measures. The most ideal situation would be for all States to be determined and capable of fully implementing their obligations under R2P, with efficient assistance from the international community wherever needed. However, when a State is manifestly failing, the international community has a collective responsibility to prevent atrocities and to save lives, while responding to imminent threats, as clearly stated by the World Summit Outcome.

The Republic of Korea understands that the collective obligation is not to intervene, but rather to take whatever timely and decisive actions the international community deems appropriate to respond to immediate threats, in accordance with the Charter of the United Nations. In the same vein, it should be noted that many of the actions suggested as illustrative examples in the Secretary-General's report, including mediation, are not coercive. In fact, the report suggests a broad range of tools available, including pacific measures under Chapters VI, VII and VIII of the Charter. With respect to coercive measures to be taken in extreme cases, we believe that R2P should be implemented in accordance with the relevant provisions of the United Nations Charter. There is no implication of any changes to the respective roles of the General Assembly and the Security Council.

The primary role of the Security Council in authorizing coercive measures as a last resort reminds us of the privilege and duty of the five permanent members, which must be matched with their special responsibility. In that context, we support the recommendation in the Secretary-General's report for the five permanent numbers to refrain from employing the veto, or the threat of veto, in situations of manifest failure to meet R2P obligations.

While noting the need to continue to consider principles, rules and doctrines that should guide the application of coercive force relating to R2P, we would like to express our full agreement with the Secretary-General's contention that capacity, will and imagination are most significant, and that success lies in an early and flexible response tailored to the specific needs of each situation and focused on saving lives.

Looking forward, one urgent task that we should undertake is to buttress the United Nations early warning capacity. There is no doubt that early warning and assessment through the United Nations is a necessary component for successful preventive and protective action. In fact, the establishment of an early warning capability is what leaders agreed upon in 2005. As suggested by the Secretary-General, bolstering the Office of the Special Adviser on the Prevention of Genocide would be a fruitful primary step.

In conclusion, the Republic of Korea would like to express its unwavering commitment to R2P. The sole purpose of R2P is to save populations from the most heinous crimes by placing emphasis on the primary responsibility of States and the complementary and collective responsibility of the international community. It is our sincere hope that the General Assembly will take concrete steps at its sixty-third session to put that norm into operation, to redress never-again collective failures and to save human lives.

The Secretary-General's recommendation for the General Assembly — in particular continuing the deliberative role of the General Assembly, conducting periodic reviews of implementation by Member States, and submitting reports of the Secretary-General on implementation steps — will be a solid basis for the possible outcome of the current session of the General Assembly. We must collectively take that critical leap forward to make the future more secure for vulnerable populations around the world while striving to avoid the costly error of stumbling backwards to past blunders.

Mr. Quinlan (Australia): I would like to thank the President for convening this historic debate on the Secretary-General's report (A/63/677) on how to operationalize and implement the responsibility to protect (R2P). This is not a debate about the now-discredited notion of humanitarian intervention. Rather, it is a discussion about protection — the protection of all our peoples against mass-atrocity crimes.

In 2005, as we know, all the world's leaders declared with one voice that the international community should never again countenance indifference in the face of mass-atrocity crimes. All our leaders also agreed the means through which the international community would prevent and address those crimes, setting out in paragraphs 138 and 139 of the World Summit Outcome (resolution 60/1) an agreed

understanding of the responsibility to protect. As the Secretary-General said to us the other day while introducing his report, this is a universal and irrevocable commitment. Our task now is not to reinterpret, reconceptualize or renegotiate that agreement. Our task is, simply and difficultly, to implement it. That is why Australia welcomes the Secretary-General's report. The report reminds us of what was agreed by all our leaders in 2005 and provides us with some considered and important ideas on how to translate that principle into practice.

We strongly support the Secretary-General's articulation of R2P as resting on three pillars, the size, strength and viability of which are equal. We also strongly support the Secretary-General's characterization of R2P as being narrow but deep. It is narrow in the sense that it is focused on the prevention of four crimes — genocide, war crimes, ethnic cleansing and crimes against humanity. It is not a panacea for all humanitarian tragedies or for all human rights violations. It is deep in that it needs to employ the wide array of prevention and protection instruments available to all Member States, the United Nations system and regional and subregional organizations, which are vital in this process, to assist States in meeting their primary responsibility to protect their populations.

The Secretary-General's report highlights the diversity of tools in the R2P toolkit, including diplomacy, targeted development assistance programmes, United Nations peacekeeping, international justice mechanisms, sanctions and, only of course as an instrument of last resort, the use of force. Which tool to use in any particular situation will clearly depend on the precise circumstances. The essential operating principle, however, must be that we do respond. Indifference, inaction and delay are not options.

Australia looks forward to working with the Secretary-General and with all Member States in the further development of the full range of tools for operationalizing R2P. Like many countries, we ourselves have already been active in assisting States to fulfil their responsibility, so we are not trespassing into virgin territory. Through our development assistance programme, we focus on assisting States to increase their capabilities for conflict prevention, peacebuilding and respect for the rule of law. As the Secretary-General notes, it is those kinds of programmes, and many others, which reduce the likelihood that those societies will travel the path to crimes that relate to the responsibility to protect.

In Timor-Leste, to take one example, we are strengthening civil society institutions and promoting human rights to help with reconciliation and peacebuilding after a period of difficult conflict. Consistent with the call in the Secretary-General's report, we are also developing a deployable civilian capacity to enable us to more effectively respond to emergencies in our region.

R2P is the expression of our irrevocable collective commitment to ensure that never again are we confronted with the horrors of another Rwanda, Srebrenica, Cambodia or the Holocaust. We know them all. We know too much of the list.

As we know, no region of the world is immune to mass-atrocity crimes. We must continue our efforts to overcome the gaps in will, imagination and capacity to implement this vital principle and to ensure that we prevent future atrocities and never again fail our own peoples.

Mr. Wenaweser (Liechtenstein): We welcome this opportunity to discuss the responsibility to protect (R2P) and the excellent report of the Secretary-General (A/63/677). We would like to express our appreciation to the Secretary-General and his Special Adviser, Edward Luck, for their commitment to and outstanding work on this topic.

We believe that the three-pillar approach set out in the report is helpful for the purposes of illustrating the different dimensions of the concept, and we also subscribe to the notion that all three are integral parts of that concept. The agreement on R2P was one of the most important achievements of the 2005 World Summit, one of the largest gatherings in the history of this Organization, and we embrace this occasion to reaffirm the concept, as provided for by paragraphs 138 and 139 of the Outcome Document (resolution 60/1), to promote its understanding and to operationalize it.

The concept of R2P is based on the notion of sovereignty as responsibility. The principle of sovereign equality of Member States, as enshrined in the United Nations Charter, is of essential importance to our membership in this Organization. Indeed, we consider the Charter to be the key guarantor of our

national sovereignty. We also understand that sovereignty comes with responsibilities, both vis-à-vis the other Members of the United Nations and certainly vis-à-vis our own population. This is the foundation of the concept of R2P. Sovereignty and responsibility go hand in hand.

First and foremost, R2P is a matter of national responsibility. In this context, it is worth pointing out that, of course, States have obligations vis-à-vis their own populations that go far beyond the very small area covered by R2P. In particular, they have a legal obligation to promote and protect the human rights of all individuals effectively under their jurisdiction, both under customary international law, particularly as reflected in the Universal Declaration of Human Rights, and under relevant treaty law.

States are also obliged to observe international humanitarian law as a matter of both customary and treaty law. Furthermore, States already have a legal obligation to prevent genocide under the 1948 genocide Convention. These legal obligations precede the concept of R2P and can be neither amplified nor undermined by this debate. At the same time, their fulfilment is certainly an indispensable element of the implementation of R2P in practice.

The report rightly places a strong emphasis on the national level and the responsibility of States themselves. It also underlines that the only effective protection from the crimes covered in the R2P concept is their prevention. The novel dimension of this concept is the strengthened role of the international community in ensuring its application. The failures of the past, in particular those in Rwanda and Srebrenica, are the very source of the R2P debate.

This international dimension relates to both the second and third pillars outlined in the report. The second pillar contains a strong preventive dimension, in the concept of assisting States in fulfilling their responsibility to protect their populations and in its focus on capacity-building. Lastly, the third pillar deals with situations where a State manifestly fails in its responsibility, due to unwillingness rather than inability.

The Outcome Document and the Secretary-General's report make two things abundantly clear in this respect. First, peaceful means, in accordance with Chapters VI and VIII of the United Nations Charter, are to be given precedence over other forms of collective action. Secondly, if other types of action are to be considered, they have to be undertaken in accordance with Chapter VII of the Charter and thus authorized by the Security Council, as the ultimate arbiter of all matters relating to international peace and security. This third pillar therefore clearly excludes from the application of R2P any form of unilateral action taken in contravention of the Charter. It was against this background that the High-Level Panel, in preparing its report to the Secretary-General in preparation for the 2005 World Summit, suggested an agreement that there be no use of the veto in cases involving the responsibility to protect. The group of five small nations, of which we are a proud member, has consistently adopted this measure as part of our proposals on the working methods of the Security Council since 2006.

Extensive debates have taken place on R2P since the 2005 Summit. In considering the way forward, we have to pause and remind ourselves what the R2P concept is — and what it is not — and where the added value lies. Given that the concept was agreed on at the summit level, it is unquestionably a political commitment of the highest order and must be treated as such.

The Secretary-General has assisted us greatly by submitting a report that follows the letter and spirit of the Outcome Document very faithfully and points to concrete measures we should take in our intergovernmental work on R2P. It is now up to us, the Member States, to act and to apply the concept in practice, in strict conformity with the language of the Outcome Document. This shift of focus should also be reflected in our consideration of a possible outcome of this debate. More than anything, we must now look for concrete ways to apply the concept in practice and to consider institutional questions, such as the interplay between the work of the Special Adviser on R2P and the Special Adviser on the Prevention of Genocide.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): I have the honour to speak on behalf of the delegations of Denmark and my own country, Costa Rica. We would like to begin by thanking the President for convening this meeting and expressing our appreciation of the discussion that took place this morning.

Costa Rica and Denmark welcome the report of the Secretary-General (A/63/677). We reaffirm our

strong support for the flexible three-pillar strategy, as well as for the recommendations on each of the pillars and the way forward. We agree with the Secretary-General that all three pillars are equally important, and that the responsibility to protect is a narrow but deep concept that calls for the application of a broad range of existing approaches and instruments.

We likewise reiterate our commitment to the agreement enshrined in the 2005 World Summit Outcome (resolution 60/1), which has also been reaffirmed by several Security Council resolutions, such as 1674 (2006), 1706 (2006) and 1755 (2007).

The commitment to preventing mass atrocities has also been developed at the regional level. For the African Union, a pioneer in the development of that concept, the responsibility to protect is based on the principle of non-indifference to mass crimes against humanity. That is the unavoidable duty that all States and the international community must abide by.

This debate is an opportunity to progress in the task of operationalizing the concept of the responsibility to protect and to affirm our commitment to responsible sovereignty. That concept undoubtedly represents a paradigm shift and an evolution of the notion of sovereignty, and reaffirms that respect for the life and dignity of the human being is the basis of human rights and a timeless and irrevocable value. The responsibility to protect must be a fundamental guarantee for the safety of persons beyond the security of States, especially in the light of possible abuse by Governments that threaten the life and integrity of its citizens.

The responsibility to protect is not limitless. The legitimacy of that concept is clearly restricted to the four criteria outlined in the 2005 World Summit Outcome (A/60/1). It entails the consistent application of and adherence to the rules and principles of international law on which it is based. Costa Rica and Denmark believe that abuse, double standards, selectivity, arbitrariness and improper use for political ends must be avoided.

The strengthening of the first pillar on the enduring responsibility of the State to protect its populations requires steps at the national level, such as the strengthening of democratic institutions, the rule of law, access to independent justice, security sector reform, freedom of expression, dialogue, social cohesion and political participation, among others.

As the Secretary-General's report highlights, it is urgent to continue fighting intolerance, exclusion, racial hatred and discrimination. Those warning signs must never again be ignored or underestimated. States must be more effective in promoting and protecting human rights, including respect for the rights of minorities, and respond rapidly to reduce tensions and prevent widespread violence. Similarly, the lawful peaceful settlement of disputes is particularly important, and national justice must act effectively against those who commit or incite to commit crimes under the criteria of the responsibility to protect.

With regard to the second pillar on international assistance and capacity-building, we believe that technical assistance on security sector reform and the rule of law are key areas in strengthening the ability of States to protect. Donors and partners should increase their international cooperation and funding to improve police and civil services, which are vital to restoring order and trust in times of crisis. Furthermore, capacity-building must ensure access to justice and improve judicial services, as well as provide training to national authorities to deal with cases under the responsibility to protect and to assist victims. Here, international mechanisms of justice, such as the International Criminal Court, play an important role.

The concept of the responsibility to protect involves a process that includes not only prevention and response to violence, but also subsequent reconstruction to prevent conflicts from reoccurring. As the Secretary-General's report clearly states, "The surest predictor of genocide is past genocide" (*A/63/677, para. 48*). The provision of assistance in the context of the responsibility to protect has a critical impact on peacebuilding. In that regard, the role of the Peacebuilding Commission should be strengthened.

It is also important that international cooperation reduce the risk of mass violations of human rights. Costa Rica has stressed the importance of incorporating ethical criteria into development cooperation. Denmark, as a donor, will continue to provide assistance to capacity-building efforts, both in the legal sector and in the area of human rights, which are relevant to strengthening national institutions.

Our countries agree with the Secretary-General's report with regard to the responsibility of the States Members of the Organization to act collectively and in a timely and decisive manner when it is evident that a

State is not providing protection. The range of options that the Secretary-General presents to us is broad and in no way limited to coercive actions or application exclusively by the Security Council. The responsibility to protect prioritizes, first and foremost, prevention and assistance, peaceful means over the use of force, and the establishment of appropriate conditions if the use of force should become necessary as a last resort when other options have been exhausted.

We recognize the importance and complementarity of the various United Nations actors and bodies in implementing the third pillar. In that regard, we support interaction among the Security Council, the General Assembly and the Secretariat, as well as exchanges among those bodies and regional and subregional organizations. Those organizations play a key role in preventing or resolving conflict situations or in avoiding that they result in crimes under the criteria of the responsibility to protect. In that sense, mediation, dialogue and preventive diplomacy are essential both at the regional and at the international levels. It is crucial to deploy a timely and decisive response to prevent such crimes from being committed. Early warning and assessment mechanisms are critical to improving the rapid response capacity of the Organization.

With regard to the use of force, far from authorizing unilateral interventions, the responsibility to protect seeks to expand the multilateral options and to improve the Security Council's performance. That body has great deterrent potential and can apply other binding punitive measures besides military action. Some crimes that meet the criteria of the responsibility to protect also constitute threats to international peace and security, and the Security Council should therefore make use of all the tools at its disposal, including in situations that are not formally on its agenda.

Systematic violations of human rights constitute a threat to peace and security that deserves the special attention of the Security Council. No country or group of countries should be allowed to interfere in or hamper decisions that merit the implementation of the responsibility to protect, including by veto. In that regard, we support the Secretary-General's appeal to the permanent members of the Council to refrain from using the veto in situations where it is evident that there is manifest failure to meet obligations under the responsibility to protect.

Costa Rica and Denmark came here to follow up on the concrete implementation of the commitments agreed at the highest level in 2005. We are committed to international efforts to prevent the recurrence of the crimes of the past. Promoting the responsibility to protect must be a common objective that transcends geographical borders, levels of development and political, religious or ideological barriers.

In the words of a distinguished Scandinavian, the late Secretary-General Dag Hammarskjöld, the United Nations was created not to take mankind to heaven, but to save humanity from hell. We urge the international community to move forward together to ensure that the responsibility to protect is an increasingly tangible reality, a concept applicable in practice and a lasting hope for the victims of mass atrocities. In order to advance this concept, Denmark and Costa Rica support the Secretary-General's proposal that regular annual or biennial reports be submitted on progress made in the implementation of the responsibility to protect.

Mr. McLay (New Zealand): I am deeply conscious of the fact that the first debate of the General Assembly in which I have the honour to participate on behalf of my country is focused on what the representative of Sweden, speaking on behalf of the European Union, described as the recurring nightmare of mass atrocities. It is hard to imagine an issue more significant or relevant to so many innocent victims or a responsibility more historic. It is why we are here. With that in mind, New Zealand thanks you President d'Escoto Brockmann for facilitating this debate.

As many have already reminded us, in 2005 the entire United Nations membership, including more than 150 world leaders, adopted the World Summit Outcome (resolution 60/1). In that declaration, as a response to our collective failure to prevent genocide and mass atrocity crimes — at a time when, as we were reminded this morning, the world remained silent and stood still — the international community unequivocally agreed on the responsibility to protect (R2P), its scope and its key elements. So the principle of R2P has already been adopted. Given that clear mandate, this debate can be only about the implementation of the responsibility to protect and should be a discussion of the Secretary-General's report (A/63/677), which was derived from the Summit.

Above all, our discussion must be deeply respectful of the millions who have died as a result of genocide and mass atrocities in Rwanda, Srebrenica, Cambodia and so many other places, and in the Holocaust. Those victims stand as silent witnesses to our debate. The moral burden of those tragedies is not just the responsibility of individual States; it is also that of the entire international community.

The concept of the responsibility to protect is not new; it simply gives a name to what we have already done and what we continue to do or what we should be doing. It is firmly based in existing international law, including international human rights and humanitarian law. Activities related to the responsibility to protect are evident in regional instruments, experience and action. As highlighted in the Secretary-General's report, such regions as Africa have taken important steps to establish frameworks for preventing mass atrocities, but the rest of us have not always shared that responsibility.

The present dialogue, which includes both Member States and civil society, will build our understanding of how to implement the responsibility to protect. It is with that in mind that we commend the Secretary-General and his Special Representative, Mr. Ed Luck, for an excellent and balanced report. New Zealand supports the Secretary-General's proposals.

The World Summit agreement on R2P is clearly based on four crimes and three pillars. Its scope is specifically limited to those four crimes and violations. It is clear that all three pillars are equally important; all are part of a whole; all are interdependent. We commend the Secretary-General's report for its emphasis on prevention rather than intervention — on assistance to States before the worst atrocities are allowed to occur.

The responsibility to protect is a common-sense concept. It can help States, regional institutions and the United Nations itself to understand, assist and organize our ongoing response on these issues. It is all about nations working, individually and together, to protect people, and it will be most successful and have the greatest impact when it is a collaborative and inclusive exercise — a vision that is reflected in the proposals set out in the Secretary-General's report.

Pillars one and two focus on helping States to exercise their responsibility to protect their own people and on building their protection capabilities. Multilateral development institutions are well placed to assist with those pillars, and if the United Nations is to improve in this area, its development system needs resources and needs our support.

As to pillar three, we acknowledge concerns that the responsibility to protect might not be applied consistently. However, such issues should not be used as diversions or excuses to stop progress. As the report makes clear, there is also no basis for arguing that the concept might modify Charter provisions prohibiting the use of force.

Although New Zealand supports structural reform of the Security Council, we are concerned by suggestions that such changes are a prior condition for implementing the responsibility to protect. In the context of this debate, there is an issue far more important than structural reform. It is the way in which the Council functions and the need for wide-ranging changes in its practice and working methods, regardless of its size and structure.

We are acutely aware of that because of New Zealand's experience as a member of the Security Council in 1994, when it led the efforts of a small group of States to persuade the Council to deploy additional United Nations forces to Rwanda. The problem in April and May 1994 was not one of powerful States eager to intervene; it was exactly the opposite. Some permanent members resisted even recognizing that genocide was occurring and ultimately blocked any deployment of additional United Nations personnel.

So the present task for the General Assembly is to challenge the Security Council — however it might be constituted — to fulfil its role both consistently and courageously. To that end, New Zealand believes that we should all support the Secretary-General's call for restraint in exercising or threatening the veto. If we value the legacy that we are to leave to our children and grandchildren, we should never let it be said by them that the veto prevented action to deal with genocide, ethnic cleansing, widespread crimes against humanity or war crimes.

This is not a question of whether we are ready for R2P; we agreed on that at the World Summit, and no one now argues against protecting peoples from genocide and mass atrocities. It is only a question of the next necessary steps, and we stand ready to take

those steps. The United Nations must continue its work on the responsibility to protect, as mandated by the Summit, and enhance its capacity to assist in such implementation. Early warning, assistance and protection are key to credible implementation of the concept.

Likewise, New Zealand supports the idea of a biennial report of the Secretary-General regarding implementation. Other areas requiring attention include how the United Nations might assist States and regional institutions in their implementation of the concept. New Zealand hopes that, in the future, it will be possible to approve more resources for early warning and assessment, and for rapid reaction — an aspect to which we must remain committed but which still requires much work.

In 1945, we the peoples of the United Nations, mindful of the events of preceding years, solemnly agreed on the great collective responsibility of preventing genocide and mass atrocities. New Zealand has contributed in good faith to many efforts consistent with the responsibility to protect, both within our region and beyond, and will continue to strongly support all endeavours that further implement that responsibility.

It is a commitment so much necessitated by history; a commitment so clearly underpinned by the United Nations Charter and international law; a commitment so unequivocally mandated by world leaders in 2005; and a commitment we can now honour by taking the next steps proposed by the Secretary-General.

Mr. De Klerk (Netherlands): At the outset, allow me to state that my delegation aligns itself with the statement made by the representative of Sweden on behalf of the European Union and that my remarks should be seen as complementary.

The topic of our debate today touches on the core of what the United Nations is all about — a collective world institution inspired to take action when faced with mass conflict and suffering; a world body, aiming to foster the international community's efforts to bring peace and prosperity across the globe.

There have been a few landmark occasions in the existence of the United Nations when Member States have transcended their differences to underline what they collectively share and to set out a common agenda. The World Summit of heads of State and Government that took place in 2005 — the largest of its kind — was such an occasion. It consolidated a consensus that, in the true spirit of the Organization's founding fathers, laid down our shared moral responsibility to prevent the occurrence of conscience-shocking mass atrocities: genocide, war crimes, ethnic cleansing and crimes against humanity. Our Heads of State and Government have thus laid out before us an agenda that forces us to look towards the future and, in the words of the Secretary-General, to ready ourselves for the moment when we will be tested by horrors similar to those that have occurred in the past.

Our task is to translate our moral commitment into political and operational readiness. This is not a legal discussion, nor should it be. The responsibility to protect is firmly anchored in the provisions, purposes and principles of the Charter of the United Nations. Rather, our discussion must be one that centres on translating our commitment into reality. To that end, it will need to focus on practical and effective mechanisms that can help States live up to their individual responsibilities, that can help us all assist such States where necessary, and that can ensure that our collective response is timely and decisive when all else fails.

The Netherlands very much welcomes the report presented by the Secretary-General (A/63/677) as a well-calibrated and focused analysis, including a series of proposals that merit our consideration and follow-up. Indeed, its focus on four types of crimes and violations and its identification of three parallel pillars present a solid basis for operationalizing the responsibility to protect. We must build on this report, and my delegation looks forward to further proposals for putting into place and strengthening the mechanisms needed, notably — but not only — an increase in the United Nations early warning capacity, which includes a Special Adviser on the Prevention of Genocide.

The Netherlands firmly believes that the approach taken in the Secretary-General's report is the right one. The three pillars that have been identified should be treated as integral parts of the concept of the responsibility to protect. It is their sum that makes the whole greater than its parts. It becomes a concept that can truly make a difference in our collective response to conscience-shocking situations, potential and actual, that may occur.

At the same time, however, we should not read more into this concept than was intended in 2005. It is fundamentally about national obligations under the rule of law and it complements state sovereignty rather than undermining it. It is anchored in the United Nations Charter and based on international humanitarian and human rights law. It focuses on four types of crimes; and it suggests a response tailored to each situation, focused on saving lives.

It is worth stressing this last point. The effectiveness of implementing our responsibility to protect depends on the range of mechanisms that the Secretary-General has suggested be put in place. It falls to us, Member States, together with the Secretariat, to ensure that this is done. The Netherlands calls on the General Assembly to welcome the report and to remain engaged on this agenda, enabling the Secretary-General to continue his essential role. In this respect, my delegation supports what was said by the Permanent Representative of Guatemala.

At the same time, we need to acknowledge current limitations in dealing with each specific situation. As some have noted, in the past the Security Council has not always been able to respond to critical situations, due to a lack of consensus. This may recur in the future, and we will need to continue our efforts to overcome the kind of paralysis that at times has haunted the world community.

Nonetheless, the endorsement of the responsibility to protect does represent a major step forward. It increases pressure on the Security Council to optimize its functioning and, in fact, it has already led to a discussion about restraining the use of the veto in responsibility-to-protect-type situations. However, if appropriate action is taken by the wide range of actors mentioned in the Secretary-General's report, action by the Security Council should not even be necessary. This is the yardstick by which success or failure of the responsibility to protect, and our commitment to it, must be measured.

Our responsibility to protect points towards the future and is a recognition that we have learned from history. Historic wrongs and past inactions cannot be undone and never will be. We bear collective responsibility for inaction at critical moments in the past. This must strengthen our resolve to put in place what is needed for us to live up to our responsibility to protect. This is what must shape our future actions. Let us focus on the task at hand.

Mr. Terzi di Sant'Agata (Italy): Italy aligns itself with the statement delivered earlier by the representative of Sweden on behalf of the European Union. I warmly welcome the Secretary-General's report (A/63/677) on implementing the responsibility to protect (R2P), and in particular commend the balanced and insightful work of his Special Adviser, Mr. Edward Luck. Today's debate on the report is a timely opportunity to build on the consensus achieved at the 2005 World Summit and focus on the concrete implementation of R2P.

The unanimous affirmation by our heads of State and Government of the principle of the responsibility to protect is a cardinal achievement of the United Nations and one of the most innovative concepts to emerge in recent years.

Europeans are particularly sensitive to this principle. The memory is still fresh of the atrocities perpetrated in the 1990s in the western Balkans — which are a part of Europe culturally, historically and politically — as well as in the Great Lakes region of Africa. The Swedish presidency of the European Union, along with other speakers, rightly referred to the genocide in Rwanda and to the massacre in Srebrenica.

I would like to structure my comments around the three-pillar strategy that the Secretary-General has outlined to advance the agenda mandated by the 2005 Outcome Document (resolution 60/1). Pillar one focuses on the protection responsibilities of States. R2P fleshes out a notion of sovereignty that entails special responsibilities based on the pre-existing and continuing legal obligations of States. Governments must protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Prevention begins at home through the promotion of human rights, the rule of law and democratic governance. These are universal principles shared by the international community today.

We thus welcome a number of the points elaborated by the Secretary-General, from the role of the Human Rights Council in advancing R2P goals to the call for additional States to become parties to the Rome Statute of the International Criminal Court. The link between accountability and prevention is clear; the purpose of international criminal justice is to bring to

justice the perpetrators of international crimes. Preventing such crimes is at the core of R2P.

We also encourage the promotion of best practices, such as the standards recalled in the African Peer Review Mechanism and those established for eligibility to membership of the European Union. Fostering individual responsibility is another key aspect of prevention. My Government supports the Network of Young People Affected by War, which is dedicated to helping former child soldiers from around the world reintegrate into society, improve their lives and tell their stories in order to prevent others from falling into the same trap.

Pillar two examines international assistance and capacity-building in terms of the international community's commitment to helping States protect their people. This commitment means availing ourselves of all bilateral, regional and multilateral instruments.

This crucial task involves the entire United Nations system. I would like to highlight, in particular, the Security Council's inclusion of civilian protection clauses in the mandates of peacekeeping operations, as well as the Council's role in post-conflict institution consolidation. In this regard, we reiterate our strong interest in exploring the establishment of a rule of law standing capacity on the model of the Standing Police Capacity. Along those lines, we believe that development programmes, security sector reform and post-conflict peacebuilding mechanisms should complement the activities of States in crisis situations.

Building the capacities of regional organizations is a fundamental part of implementing the responsibility to protect. Very appropriately, the Secretary-General's report underlines the relevance of Chapter VIII of the United Nations Charter as one of the main legal frameworks for operationalizing R2P. In 2007, my Government launched the Italian African Peace Facility, whose purpose is to strengthen the institutional, operational and logistical capabilities of the African Union to prevent, mediate and resolve conflicts.

Pillar three is the responsibility of Member States to respond collectively, in a timely and decisive manner, when a State manifestly fails to provide protection to its own population. Allow me to restate that the responsibility to protect should not be perceived in a confrontational manner; it should be seen instead as an instrument available to the international community to overcome crises, provided that the conditions referred to in paragraphs 138 and 139 of the World Summit Outcome Document are met.

Among the broad range of tools available, including peaceful measures under Chapter VI, VII and VIII of the Charter, we would like to focus on one suggestion of the Secretary-General. Recognizing the special responsibilities of the five permanent members of the Security Council, the Secretary-General urges them to refrain from employing or threatening to employ the veto in situations of manifest failure to meet obligations relating to the responsibility to protect and to reach a mutual understanding to that effect. Important voices of civil society and academia from the permanent members have raised similar instances. This is a very delicate issue driven by the concerns and expectations of international public opinion, and Italy believes that the debate must continue.

Today's discussion shows that the United Nations can give hope to populations at risk of being victimized by international crimes that totalitarian regimes commit or foment against their own citizens. We are not here to debate philosophical, religious or ideological approaches; we are here to give concrete and credible answers that go well beyond the Westphalian model. Human dignity has greatly advanced since the Second World War thanks to the adoption of the United Nations Charter and the efforts of Member States.

The meeting rose at 6.15 p.m.

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New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Abani (Niger), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

Mr. Mayr-Harting (Austria): First of all, I would like to thank the Secretary-General for the presentation of his report on the implementation of the responsibility to protect (A/63/677) to the General Assembly on Tuesday. I would like to recall the Secretary-General's words to the effect that this debate is first and foremost about the character of the United Nations and the future of humankind. Let me also thank the Special Adviser to the Secretary-General, Mr. Edward Luck, for all his work in this context. We fully align ourselves with the statement delivered by the representative of Sweden on behalf of the European Union.

The main aim of the responsibility to protect (R2P) is to protect civilian populations from genocide and other mass atrocities, based on the clear understanding that the sovereignty of States implies important responsibilities. Austria was and is a strong advocate for the inclusion of R2P into the World Summit Outcome (resolution 60/1) by world leaders in 2005. Based on a broad consensus, this decision sent an important and universal message on the need to protect the populations of the world from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as from the incitement to such crimes. This call was an unprecedented step towards ensuring that the atrocities of the past will not be repeated.

Let me underline that the primary responsibility for the implementation of R2P rests with each and every individual State. The international community's role in assisting States to live up to their responsibility is of a supplementary nature. The need to take appropriate collective measures in full accordance with the Charter of the United Nations arises only in cases of manifest failure of a State to protect its population from the perpetration of core international crimes.

Austria welcomes the Secretary-General's report. It provides a clear framework for the implementation of the responsibility to protect, as defined in the Outcome Document, and an excellent basis for further discussion. The report makes clear that the three pillars of the report — the protection responsibilities of the State, international assistance and capacity-building, and timely and decisive response — are all based on existing international law and in particular on the Charter of the United Nations. They are of equal importance, and at the same time there is no automatism and no necessary sequencing between one and the other.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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Today, I would like to focus on the key task of ensuring that States and the international community live up to their obligations under the responsibility to protect. When it comes to putting the concept of R2P into practice, Austria believes that particular attention must be given to preventing situations from escalating, through early warning and capacity-building.

We welcome the reference in the Secretary-General's report to the role of the rule of law, which constitutes a long-standing focus of Austria's work in the United Nations. I quote from the report:

> "The rule of law is fundamental to preventing the perpetration of crimes relating to the responsibility to protect. The United Nations system, including through the engagement of donor countries, should increase the rule of law assistance it offers to Member States. The goals should be to ensure equal access to justice and to improve judicial, prosecutorial, penal and law enforcement services for all. Such steps would make it more likely that disputes within society could be resolved through legal, rather than violent, means" (*A/63/677, para. 47*).

The rule of law is of specific importance with regard to the stabilization of post-conflict societies in order to prevent the re-emergence of conflicts and to build a sustainable peace. Furthermore, it is an essential element in the fight against impunity and to re-establish the trust of the population in its institutions. Thus, it is important to address R2P from a rule-of-law perspective as a cross-cutting issue for each of the three pillars.

It is crucial that the United Nations, through the Rule of Law Coordination and Resource Group and the Rule of Law Unit, further intensify its efforts to strengthen coordination and cooperation among the numerous United Nations rule of law actors, such as the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the United Nations Development Programme. The Group of Friends of the Rule of Law, of which Austria is honoured to serve as coordinator, will be happy to assist the United Nations in such efforts.

From 14 to 16 June this year, Austria, jointly with the International Peace Institute, organized a seminar in Vienna under the theme "The role of the Security Council and the responsibility to protect: policy, process and practice". Experts and practitioners from various regions and organizations explored the role and the contribution's of the Security Council in preventing the four crimes covered by the concept of R2P and in improving the situation of populations affected by armed conflict. At the same time, Austria fully agrees that the General Assembly, as the forum for seeking common ground, should continue to have a key role in the ongoing process of operationalizing the concept.

Regarding next steps, Austria fully endorses the proposal of the European Union that the Secretary-General continue to keep the General Assembly informed about the implementation of R2P. We must ensure, through continuous commitment, that we all take our responsibilities seriously. The key challenge is for States and the international community to live up to their obligations under R2P. The Secretary-General's report sets out the tools available to the international community to assist States in that regard.

Building upon the broad consensus achieved in 2005, we stand ready to work for a future in which full compliance with the responsibility to protect also reflects the reality on the ground. R2P is a Charter-based concept that deserves to be operationalized and implemented. Our focus in this endeavour must be on saving lives through timely and decisive action taken at the national, regional and international levels.

Mr. Haroon (Pakistan): We thank the President of the General Assembly for convening this thematic debate on the responsibility to protect (R2P) and the Secretary-General for presenting his report (A/63/677).

This is the first time since the adoption of the 2005 World Summit Outcome (resolution 60/1) that we, the States Members of the United Nations, have debated the concept of the responsibility to protect. In the past, such debates, calling for conflict resolution, peacebuilding and an effective role for the United Nations and the rest of the international community, have been convened in reaction to unfortunate tragedies of the scale of those in Rwanda and Srebrenica. These will be mentioned time and again in my speech as important points of reference.

Although our world is faced with challenges of magnitude, mercifully, this debate has not been triggered by an event of such scale and instead is the result of a process to discuss the concept of R2P, which

needs to be delicately dealt with, requires transparency and must take all Member States on board.

In this discussion, we are guided by paragraphs 138 and 139 of the 2005 World Summit Outcome, which remain our yardstick for discussions on the concept of the responsibility to protect. The following elements are important to my delegation. We do not disagree about the necessity to protect innocent civilians. However, it must be made clear that the scope of the concept of R2P is restricted to "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (*resolution 60/1, para. 138*). I would add that anything beyond this should not be considered.

It should be recognized that this responsibility rests, first and foremost, with the individual State in which those affected live. The sovereignty of the State must remain an overarching principle of current international relations. R2P should not become a basis either for contravening the principles of non-interference and non-intervention or for questioning the national sovereignty and territorial integrity of any State.

The international community's responsibility in the event of a situation involving R2P should be to provide "appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter" (*Ibid., para. 139*).

R2P must be dealt with on a case-by-case basis, as appropriate. It must not be a norm, but an exception to the case "should peaceful means be inadequate and national authorities are manifestly failing to protect their populations" (*Ibid.*) from the four specified situations.

In a world of sharply increasing socio-economic inequities, State-building and State-strengthening continue to depend on socio-economic development. Situations involving the responsibility to protect are, more often than not, results of underdevelopment and poverty, which need to be addressed through capacity-building within the development framework. Our commitment must be to helping States build the capacity to protect their populations, which remains the best protection for us.

A comprehensive approach, starting with conflict prevention and the utilization of all existing mechanisms in the United Nations system, is required to prevent, in an effective and comprehensive manner, the occurrence of the four grave situations. The existing mechanisms of the genocide Convention, the Geneva Conventions, humanitarian law, the International Court of Justice and the International Criminal Court, as well as the existing mandates of the Security Council, the Economic and Social Council and the Human Rights Council, can be effectively utilized to prevent the four grave situations from occurring.

The report of the Secretary-General has stimulated the discussion on the concept of R2P. At this stage, ours is essentially a work in progress — nothing more than that. Let me therefore share with members some food for thought.

First, there must be consistency of language and expression, which would help in furthering the concept of R2P. For example, while the report rightfully acknowledges the genocide in Rwanda, the tragedy of Srebrenica — which was described as genocide by the International Criminal Tribunal for the Former Yugoslavia — is described only in terms of "mass killings".

Secondly, the Secretary-General's forthcoming proposal on strengthening the early warning capacity of the United Nations will be critical in moving this discussion forward. Here, it would be important to add that, in the case of Rwanda, while the forces that were there on the ground packed their bags and left their compounds in a hurry, somehow the early warning bells did not go off in the United Nations. Until the massacre, which took place much later, actually happened, nothing was done. Neither the Security Council nor the membership were approached. It is a shame to have to mention here that, after that, all the files on that particular incident in Rwanda were lost by the United Nations and have not been found since.

We must therefore be very careful that the early warning capacity will be utilized sincerely. We need to evaluate the accountability factor and the cost of false alarms; how to address the trust deficit against the background of historical injustices, including foreign occupation; and how to agree on the level of the threshold requiring R2P.

R2P shall be a delicately defined process, and in order to prevent any misunderstanding or misuse of the concept as a tool to pressure or interfere in the internal affairs of a sovereign State, the continuous use of

double standards and selective approaches to different conflicts in the world, including situations of foreign occupation, would have to be systematically rectified to remove the doubts about the implementation of R2P.

While we look forward to further debating the concept of R2P in the General Assembly, now and later, I would like to present a few points to this Assembly.

First, ultimately, it boils down to a very simple point, which is that discretion will be the ultimate factor that will decide the application of R2P as far as this stage of the document is concerned. I would like to sound a note of caution. There is a brilliant history of lack of trust in this Organization that is being overlooked while the creation of this discretion is being put forward to the membership. We are peeling away years of protection that we have found ourselves under, which were very sagaciously put there by people of great vision to protect this institution. We have started to peel that protection away with this particular segment.

If members have not noticed, let me point out that everyone agrees to pillars one and two. Yet, before I go on to pillar three, has anyone realized that none of the criteria that should be mandatory in pillars one and two specifically says that "you cannot go to three. This is the considered process of one and two, and you must slowly legitimize your access through it"?

I now come to pillar three. Pillar three was introduced 10 or 15 years ago under another name — the right of intervention. It is that and remains that. The Assembly voted vehemently against it. Today it has reappeared, albeit with a much larger spectre. I must say that Gareth Evans has done some great work in putting the concept together over many years.

The only thing is that this is, in a way, a return, because what are we debating here today? Pillars one and two? Nobody doubts that, but we must add clear criteria to that. It cannot be violated. Pillar three is the right of intervention, no matter how one looks at it or how one does not look at it.

I must say in this regard that, today, when we are squeezed financially, when the World Food Programme is cutting back and when we have not been able to raise adequate funds for crises throughout the world, where are we going to get the funding for pillars one and two to be properly adhered to? Prevention is better than cure, and we are not looking at prevention. Therefore, I think these matters need to be very ably discussed and standardized. We are not to overlook pillars one and two as a done deal and only look at three. One and two must become the solid pillars that will prevent anything from going wrong. In the end, I would say, in financial terms, pillars one and two must be substantiated, not just glossed over.

With that, I will merely add, the responses of the United Nations have never proved us to be great appreciators of the early warning system. We have always been there a trifle late, at the cost of many human lives. I think that, if pillar three is to be adopted by this Assembly, this early warning system should also be strongly substantiated so that we do not have anything go wrong.

Mr. Maurer (Switzerland) (*spoke in French*): Switzerland welcomes the efforts of the Secretary-General to operationalize the responsibility to protect on the basis of the consensus of September 2005. In that context, I would like to thank him for his presentation three days ago of the report before us (A/63/677). It is vital that we continue to ensure together that the notion of sovereignty as responsibility be translated into specific action that is measurable on the ground, with respect for human life and in accordance with the decision that we took four years ago to undertake this cause.

As the Secretary-General points out, the concept of the responsibility to protect is an ally of that of sovereignty. It therefore needs to be considered in the strict framework of paragraphs 138 and 139 of the 2005 World Summit Outcome (resolution 60/1) and on the basis of the narrow but deep approach proposed by the Secretary-General. This approach, which is enshrined in the United Nations Charter, is distinct from that of so-called humanitarian interventions, and we are committed to ensuring that this distinction will be clearly maintained.

The report under review today is an important instrument of political mobilization that enables each State and the international community as a whole to familiarize themselves with the instruments available to prevent mass atrocities. This catalogue should enable us to achieve greater coherence in our approach. It should also lead us to consider all the preventive and assistance measures available before using, as a last

resort, the measures set out in the third pillar to stop mass atrocities against civilian populations.

I would like to mention a number of aspects that may help us to continue our discussions about the responsibility to protect.

First, it is important to recall that the obligations of States with regard to international law exist independently of the emergence of a situation in which the concept of responsibility to protect may be relevant. These obligations cannot and must not be diluted. It should also be emphasized that although the concept covers numerous existing international law obligations, it remains a political concept and does not in itself constitute a new norm. Nor does it have the effect of releasing States from their conventional and customary law obligations with regard to human rights law, international humanitarian law and refugee law.

Secondly, a clear distinction needs to be maintained between the concept of the responsibility to protect and that of the protection of civilians. To that end, it is essential to define proactively the specific features of each concept and their field of application. For example, it should be stressed that the protection of civilians covers respect for the entire set of civilian rights, and not only international crimes covered by the responsibility to protect. The progress achieved in the area of protecting civilians is very significant and derived from humanitarian principles; it must be maintained and improved within this framework.

Thirdly, as we have already said, the instruments presented are for the most part well known. Still, what is lacking at this stage is reflection on what did not work when these instruments were used in the past. We know that the problem is not usually the lack of information; rather, it is the absence of political will at the right time that is at the heart of our past failures.

One important way to remedy this problem would be for the permanent members of the Security Council to pledge to refrain from using their veto in cases of genocide, crimes against humanity, ethnic cleansing and war crimes. Likewise, it is important that they help to strengthen achievements in the fight against impunity as part of a general policy of prevention. For its part, the General Assembly must continue to work towards the implementation of the responsibility to protect and mobilize the international community as a whole towards its implementation.

Finally, paragraph 50 of the report calls on the United Nations, in accordance with paragraph 139 of the Outcome Document, to carry out decisive collective action and not to follow arbitrary procedures. In this context, we will need to consider the most effective way of implementing the third pillar.

Several questions remain pending. What is the threshold of intervention for a timely and decisive response? Who has the competence to decide whether a situation constitutes genocide, a crime against humanity, ethnic cleansing or a war crime? We believe that Mr. Gareth Evans went to the heart of this issue yesterday morning when he said that it would not be just one level of jurisdiction but a multiplicity of efforts and institutions that should provide answers. In particular, how can the General Assembly and the Secretary-General offer solutions complementary to those of the Security Council or in the event of deadlock within the Council? In adopting resolution 377 (V), entitled "Uniting for peace", this Assembly assumed the authority to take collective measures in the area of maintenance of peace and security in cases where the Council is deadlocked. In such situations, it will be a matter of exercising this authority.

Another question is: How, in this context, can we strengthen the accountability of the Council? In this regard, we believe that following up on the recommendation contained in paragraph 62 of the report — that Member States consider the principles, rules and doctrine that should guide the application of coercive force in extreme situations relating to the concept — could contribute to this review process.

We should be inspired by the obligation not only to respect but also to ensure respect for international law so that humanity can continue to regard the United Nations as the best guarantor of international peace and security. The responsibility to protect affects the international community as a whole.

Mr. Benmehidi (Algeria) (*spoke in French*): At the outset, allow me to thank the President of the General Assembly for having convened yesterday's informal interactive dialogue on the responsibility to protect, as well as today's meeting. I would also like to thank the Secretary-General for his report on the ways of implementing this concept (A/63/677), which provides a good foundation for our discussion. Algeria aligns itself with the statement made yesterday by the

Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

Algeria honours its moral obligation to protect populations threatened with genocide, war crimes, crimes against humanity or ethnic cleansing in accordance with international law and the principles of the Charter of the United Nations and of the Constitutive Act of the African Union.

We note that international crimes covered by this concept generally take place in a context marked by extreme poverty, which is the breeding ground par excellence of fanaticism and violence not only when democracy and governance are lacking, but also when foreign manipulation of sociocultural realities is present.

Bearing in mind the unique character of each situation and the absence of a mechanism to establish a global strategy, we feel that operationalizing the responsibility to protect with its three pillars — the protection responsibilities of State, international assistance and capacity-building, and timely and decisive response — is part of a programme supported by the United Nations by resorting to existing mechanisms in respect for the provisions of the Charter, which provide a role for the General Assembly in the maintenance of international peace and security.

The responsibility of protecting populations against the four major crimes of genocide, war crimes, crimes against humanity and ethnic cleansing are at the heart of the African culture of peace. The African Union, taking as a central reference the protection of vulnerable populations, has set up a political framework and institutions that are aimed at protecting populations against these four international crimes. The many tools developed by the African Union and the New Partnership for Africa's Development demonstrate the commitment of African States to take responsibility. Prevention and rapid conflict resolution have a prime place among these tools.

In this regard, Algeria welcomed the 2006 creation of a United Nations specialized interdisciplinary programme to provide overall support for African peacekeeping capacities. We salute the efforts of the United Nations to strengthen the operational capacity of the African Peace and Security Council and its associated institutions, including the Panel of the Wise, the African Intervention Force and the Continental Early Warning System. We await with interest the conclusions of the joint working group of the United Nations Secretariat and the African Union Commission, following up on the report of the Prodi Commission.

With respect to prevention, which is a fundamental element of the responsibility to protect and long-term development, we support the recommendations contained in the Secretary-General's report stressing the crucial and decisive nature of the allocation of additional human and financial resources, to strengthening the capacity of regional and subregional organizations to prevent crimes and violations covered by the responsibility to protect.

Since paragraph 139 of the 2005 World Summit Outcome Document (resolution 60/1) gave the General Assembly the task of continuing to consider the notion of the responsibility to protect, my delegation is prepared to work constructively and with an open mind to that end, bearing in mind the recognized and undisputed principles of non-interference, non-intervention, respect for the territorial integrity and national sovereignty of States, as well as the principles and standards of international law and international humanitarian law.

As an African country, we will also be guided by article 4 (h) and (j) of the Constitutive Act of the African Union regarding the protection of those threatened with genocide and crimes against humanity.

In short, my delegation is ready to contribute to that exercise, based on the principle of non-indifference endorsed by Africa, while bearing in mind the political factors surrounding the decision-making process of the Security Council. Although the Council is the Charter organ mandated with the primary responsibility to maintain international peace and security, it has yet to demonstrate its capacity to respond in the timely and decisive manner required to situations involving the four recognized international crimes, as was very recently the case in Gaza.

Mr. Menon (Singapore): Let me first thank the President of the General Assembly for convening this debate, and the Secretary-General for his continuing commitment to the concept of the responsibility to protect (R2P).

I will not belabour the points already made so eloquently by my colleagues. Suffice it to say that, for my delegation, it is clear that, four years ago, our

leaders pledged their strong resolve to the notion of R2P. Certainly, that did not make R2P part of international law or a legally binding commitment, but the gap that the leaders acknowledged, and then resolved to tackle, is a real one. How can Member States, both individually and collectively, prevent recurrences of such crimes as genocide, ethnic cleansing and crimes against humanity?

Paragraphs 138 and 139 of the 2005 World Summit Outcome (resolution 60/1) represent our leaders' willingness to respond to that challenge. The General Assembly must fulfil that mandate. Certainly, there are many questions that need to be discussed and answered, as highlighted in the statement made by the representative of Egypt on behalf of the Non-Aligned Movement. Several of those issues have also been raised in the Secretary-General's report (A/63/677) and the concept note of the President of the General Assembly.

At their core, both documents recognize the fundamental premise of R2P, as outlined in the World Summit Outcome, and the need to situate it within a real-world context so as to bring the concept to life. The Secretary-General's report, for instance, places the R2P concept within the workings of the United Nations framework and puts forward excellent recommendations for taking it forward. My delegation thus looks forward to the Secretary-General continuing his good work, including his proposals for an early warning capability.

As for the concept note of the President of the General Assembly, it positions R2P within existing international instruments and obligations and puts forward a compendium of issues that discussions on R2P should address if it is to become a functioning norm rather than just an academic notion.

Indeed, those documents and the debate that we are having are just the beginning of our discussions on how to implement R2P. There can be no going backwards; we can only go forward. It is clear that fears and doubts about R2P still persist.

However, it is also clear that those doubts are not insurmountable. As Noam Chomsky explained during the informal interactive dialogue yesterday, the consensus underlying R2P is not a new one. We are all united behind our fundamental desire to protect innocent people and to prevent another Rwanda and Srebrenica. What we need is to discuss R2P openly and frankly within the General Assembly. That is critical to making progress. However, in order to have such open and frank discussions, all sides must recognize a few key points.

First, it is critical that our discussions not be reduced to the simplistic dichotomy of States on one side insisting on absolute sovereignty and, on the other side, R2P proponents demanding that States surrender absolute sovereignty. I am particularly struck by the reference on page 7 of the Secretary-General's report to R2P being the ally of sovereignty, not its adversary. Certainly, the corollary to sovereignty is national responsibility and ownership. Moreover, all States should be prepared to promise that they will build strong domestic norms and institutions to protect their people from heinous crimes, such as genocide. As responsible members of the international community, how can we Member States ask for anything less from each other? And, as citizens of our own respective countries, how can we expect anything less from our own Governments?

Correspondingly, the international community must also be prepared to support national efforts with resources and assistance, and only if absolutely necessary should the international community be ready to intervene. Here, we can draw inspiration from the shining example set by the African Union in recognizing that other countries cannot be indifferent in the face of impending atrocities.

Secondly, the concept of R2P must be applied without political bias or hidden agendas. If the responsibility to protect is to become an international norm that can deter impunity and thus prevent such crimes, it cannot be tarnished by suspicions of domestic agendas or, worse still, political grandstanding. I say that because, since 2005, there have been efforts by some to misuse the concept of R2P by applying it to situations that are clearly outside its scope. For instance, some have tried to link R2P to humanitarian access in the wake of natural disasters. That is patently unhelpful.

The General Assembly must continue its work on R2P to define clear parameters for when a situation is or is not an R2P issue. In fact, countries that have concerns about R2P should welcome having the General Assembly continue its work on R2P precisely because that will lessen the opportunity for subversion and abuse. As long as the R2P concept remains hazy

and undefined, it will remain up for grabs and open to manipulation.

Thirdly, and perhaps most importantly, the judgement of whether a Government has failed in its responsibility to protect must be taken by the international community without fear or favour. All countries must be open to being judged and all situations being acted upon according to the same standards. As the President of the General Assembly said during his opening remarks yesterday, the rules must apply in practice equally to all Member States. That must be made clear in any discussion or decision on R2P.

What I have just described is only the start. The real challenge is how the United Nations will translate the principles of R2P into action on the ground. The Secretary-General's recommendations on pillars one and two are an excellent start. However, it is clear that there are some concerns over pillar three, and those will have to be discussed further.

In particular, with regard to pillar three, we should consider the relationship between the Security Council and the General Assembly. Certainly, of all the organs of the United Nations, the Security Council is the one to respond to R2P situations. That response can and should take different forms, without necessarily resorting to the use of force.

At the same time, the General Assembly, with its broader perspective and legitimacy derived from its universal membership, must also play a role. The question then is how the two organs will interact with one another. For instance, how can the General Assembly be reassured that, in times of need, the Security Council will actually agree to act, as the Secretary-General's report says, in a timely and decisive manner?

Let us recall what happened in Rwanda 15 years ago. There was no intervention because there was resistance to defining the massacres as genocide. Worse still, the Security Council then withdrew almost 90 per cent of the United Nations soldiers in Rwanda and left behind a token force, thereby condemning many innocent Rwandans to certain death.

Hence, if we, the General Assembly, imbue the Security Council with the power to invoke R2P to justify action, the Council must also commit to exercising fully that grave responsibility. And it must do so without fear or favour. At the very least, that would entail the permanent five refraining from using the veto in relation to the four crimes. That is something that the group of five small nations has also suggested as part of its proposal for improving the working methods of the Security Council. As Mr. Chomsky noted yesterday, the success of R2P fundamentally depends on the Security Council being a neutral arbiter. Is the Security Council willing to provide that kind of reassurance to the rest of the United Nations membership? Is the Council willing to be held accountable to the General Assembly for its actions, including perhaps its refusal to act?

I may have raised some difficult issues. I also know that, in raising them, I may have upset some who would prefer that they be set aside for the time being so that the R2P concept can be adopted as a purist ideal or an abstract principle. But we cannot put aside those difficult issues, only to be confronted by them when it is too late.

In conclusion, let me reiterate that Singapore is fully committed to the concept of R2P and to participating constructively in our future discussions so as to ensure that there is real meaning to the phrase "never again".

For those Member States that have doubts, we hope that they will engage with an open mind so that we can all work together to address their concerns. We ask other supporters of R2P to take this issue seriously, not just as another trophy to hang on the wall or another term to be bandied around.

If there is to be progress on R2P, it must be through a real process of debate, discussion and commitment among us all, doubters and supporters alike.

Ms. Espinosa (Ecuador) (*spoke in Spanish*): I wish to thank and congratulate the President for convening this debate, and through him the Secretary-General for the report (A/63/677) he introduced on 21 July. I also thank the President for his communication of 17 July. We also congratulate him on organizing yesterday's interactive discussion, which benefited from the presence and experience of eminent panellists.

My delegation associates itself with the statement made by Ambassador Maged Abdelaziz, Permanent

Representative of Egypt, on behalf of the Non-Aligned Movement.

Ecuador attaches great importance to the role of the United Nations in establishing a world order based on respect for international law, the norms and principles set forth in its Charter, and the promotion and respect for human rights and international humanitarian law.

In its recently adopted Constitution, our country establishes as a principle for the coexistence of its people the need to respect human rights and to fight for their fulfilment. Our Constitution has an entire chapter of guarantees, among which protection is given particular priority.

Ecuador does not take the responsibility to protect lightly because, although the concept is based on humanitarian action, it is also true that it must be implemented pursuant to premises that do not undermine the guarantees and sovereignty of States.

My delegation has carefully studied the report of the Secretary-General and firmly believes that there is no body other than the General Assembly to consider this very important matter, especially given its political and legal implications. Likewise, in the light of statements made over the past two days, it is clear that we need a deep and sustained discussion on both the conceptual and the operational aspects of this mechanism. There appears to be no clarity or agreement on the political and practical implications of the responsibility to protect.

We believe that some of the proposals in the report belong to negotiations in other areas, such as, for example, disarmament, sanctions, Security Council reform, humanitarian assistance and international cooperation, among others. It is therefore important to take the results that have already been reached in those discussions into account.

It is crucial to ensure that the three pillars be addressed in a balanced manner. As to pillar one, the concept of sovereignty and the implications of any form of intervention can be subject to no interpretation that differs from that established under international law. We believe that other bodies, such as the Human Rights Council, the Peacebuilding Commission and the United Nations system overall, must be taken into account as instruments for implementing the responsibility to protect. We are pleased that the report fully respects and limits itself to the mandate set forth in paragraphs 138, 139 and 140 of the 2005 World Summit Outcome Document (resolution 60/1).

With respect to pillar two, my delegation would have appreciated a more detailed explanation of the implications of military assistance. We also note with concern that, in paragraphs 45 to 47, the issue of development assistance is linked to possible conditionalities with regard to the responsibility to protect. It is important to take into account that any sanction or economic embargo that directly impacts the survival and well-being of innocent civilians cannot be, under any conceptual framework, an acceptable measure.

Another issue calling for greater information and analysis is that of the creation of an early warning system. It is important to take into account existing prevention mechanisms of the United Nations system and of regional and subregional organizations.

With regard to pillar three, we are aware that it is the most complex of all, since it invokes the Security Council as the authority on the matter. We believe that history confirms the role that the Security Council has played in past years in cases such as Rwanda or Cambodia. We must accept that, unfortunately, it has not been an objective, effective and impartial actor, and that its working methods have not had the desired transparency and neutrality. It is therefore legitimate to ask whether the Security Council, with its current composition and decision-making mechanisms, should be the authority responsible for military interventions for humanitarian protection purposes or whether deep, comprehensive reform of the Council should take place first, enhancing its legitimacy and effectiveness.

Thus, so long as there is no full clarity on the conceptual scope, normative parameters or the actors involved, we cannot take any decision committing our States with regard to the application of this concept. That does not mean, of course, that our Organization should remain silent in the face of crimes such as genocide or ethnic cleansing. We must act, but we should do so in strict compliance with international law and its principles of non-intervention and respect for sovereignty, and within the framework of normative agreements and clear policies that completely eliminate discretionality, unilateralism and double standards.

We have seen that it is indispensable to move forward with a constructive dialogue on this delicate

matter, which covers all the dimensions and implications of the responsibility to protect. Today, Ecuador has expressed its initial concerns. We hope to deepen this dialogue in the future.

Mr. Muñoz (Chile) (*spoke in Spanish*): I thank the President for convening this meeting. I shall refer to some key aspects of the report of the Secretary-General entitled "Implementing the responsibility to protect" (A/63/677), which we welcome.

First and foremost, with regard to the surprising references to ideologues known for their animosity towards the United Nations and for calling into question the legal value of the 2005 World Summit Outcome Document (resolution 60/1), I prefer to rescue legal tradition and cite the distinguished jurist Sir Ian Brownlie, himself cited, among others, by Mr. Noam Chomsky yesterday morning. In the fourth edition of his book *Principles of Public International Law*, Brownlie says that "The final act or other statement of conclusions of a conference of States can be a form of multilateral treaty". I would add that, in all cases, it can be considered to be a source of international law. Moreover, the practices of political bodies, such as this General Assembly, whose resolutions are not binding have, according to Brownlie, "considerable legal meaning". It should be recalled that the Outcome Document, as my colleague from Ecuador noted, was adopted by the General Assembly as resolution 60/1.

Of course, this debate is not an academic or legal discussion. It is a political debate with moral underpinnings and thus deals with the practical and consensual implementation of the concept of the responsibility to protect (R2P). My delegation expresses, in the framework of the varying positions within the Non-Aligned Movement, its decided commitment to the responsibility to protect, the solid foundation for which was laid down by the heads of State and Government in paragraphs 138 and 139 of the World Summit Outcome, and which cannot be selectively addressed or revised.

The Secretary-General's report is helpful in transforming the responsibility to protect into an operational concept. The report captures the essence of the ongoing discussion in such a way that it can be summarized in a single phrase — three pillars and four crimes. The pillars are, first, the protection responsibilities of the State; secondly, international assistance and capacity-building; and thirdly, timely and decisive response. In parallel, the four crimes covered by the responsibility to protect are genocide, war crimes, ethnic cleansing and crimes against humanity, as well as the incitement of those crimes. In other words, the responsibility to protect is not triggered by just any human rights violation or international humanitarian tragedy.

The discussion of R2P has been plagued by distortions and myths. There are those who visualize the concept as limited to one pillar — actually, half of one pillar — dealing with Security Council action under Chapter VII. Essentially, however, the responsibility to protect is an appeal to States to resolve on their own the serious aforementioned human rights situations. That is the first key pillar of the responsibility to protect. It ultimately refers to the State, which has the duty to protect its people regardless of whether they are citizens or foreign nationals.

The modern State assumed the explicit responsibility to protect its population under the Geneva Conventions, the Charter of the United Nations, the Universal Declaration of Human Rights and various conventions related to the crimes of genocide, forced disappearance and torture, inter alia. In other words, the State's responsibility to protect is based on long-standing obligations arising from international law. In short, it is nothing new. It is the correct interpretation of Article 2.7 of the Charter, which led the United Nations to act — albeit belatedly — against South Africa and its apartheid regime.

Thus, it is the State itself that has the capacity to trigger most of the components of the responsibility to protect. The State should be alert to the first signs of intolerance, ethnic hatred or human rights violations that could lead to genocide or any of the other three serious crimes. Only when the State itself is unable to deal with a humanitarian crisis should the second pillar — international assistance to help States shoulder their obligation to protect, or before conflicts erupt — come into effect, thus playing at best a complementary role, as stated in the Secretary-General's report. A preventive approach could include international mediation or good offices, as well as initiatives to promote reconciliation.

The third pillar of R2P is timely and decisive response. Obviously, the world leaders at the 2005

World Summit were not thinking only about the use of force — an option that, we all agree, is an extreme measure of last resort. In that connection, paragraph 139 of the Outcome Document is forceful, but also cautious. It refers to peaceful measures that could be taken under Chapters VI and VIII. That is why I said that some emphasize half of one pillar, because we are talking here about pillar three under Chapters VI and VIII.

For example, under Article 34 of the Charter, the Security Council could send a mission to investigate "any situation which might lead to international friction", as has occurred in cases of mass atrocities that have caused, inter alia, serious tensions with neighbouring countries, cross-border violence and forced international migrations. Non-peaceful collective action requires at least two operational conditions to be met: action on a case-by-case basis and only if peaceful means are inadequate and national authorities are manifestly failing to protect their populations from genocide and the other three crimes. In such a scenario, the heads of State or Government declared, they are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII.

It is clear that the collective imperative is not to intervene, but rather to take any timely and decisive action that the international community deems appropriate under the Charter. In the world leaders' Outcome Document, there is no automaticity, there are no triggers and there is no implied green light for the use of force. Chile, at least, cannot accept that.

Regional organizations should play a more proactive role when it comes to the third pillar of the responsibility to protect. Given their geographical proximity, regional and subregional organizations are better placed to detect possible mass human rights violations in a timely manner. Perhaps that is why, in 2000, the Constitutive Act of the African Union, adopted in 2000, declares in its article 4 (h)

> "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect to grave circumstances, namely: war crimes, genocide and crimes against humanity".

The heads of State and Government agreed that we should continue the discussion in the Assembly on the responsibility to protect and its implications. One element for our consideration could be the development of the second pillar — discussing a strategy or plan of action for preventing the four crimes through cooperation with countries requesting it.

The establishment of an early warning capability would have to be a relevant component of any prevention policy. As the Secretary-General's report indicates, information itself is rarely the missing ingredient when it comes to genocide and the other three crimes. The point is how such information could be qualitatively improved and shared and assessed by the relevant institutions. In that connection, we agree that more coherence is needed in the sharing of information already available in the United Nations system so that the competent bodies can take timely decisions. We also agree that a first step towards an early warning capability is the Secretary-General's proposal that the work of his Special Adviser on the Responsibility to Protect be combined with that of his Special Adviser on the Prevention of Genocide.

In addition, we believe that a prevention strategy could include the promotion of democracy. Democracies, despite their imperfections, tend not to commit atrocities such as the four mass crimes. Therefore, mechanisms such as the United Nations Democracy Fund, the Rule of Law Coordination and Resource Group and the democratic governance programme of the United Nations Development Programme should be strengthened to provide support for democratic governance to countries requesting it.

I wish to conclude with some thoughts about Latin America. For nearly 200 years, the countries in my region endured the pax Americana, with pre-emptive military operations and regime changes. Thus, the principle of non-intervention became crucial to the nations of Latin America and other developing countries, in accordance with other principles, such as respect for human rights and universal values, enshrined in the Charter of the United Nations and in those of regional organizations. During the cold war, many countries of Latin America — including my own — endured repressive dictatorships that committed crimes against humanity. The Nixon Administration actively contributed to the tragedy in my country, while others, both in the North and in the South, remained conspiratorially silent.

During the 1980s, dictatorships gave way to restored democracies. The legacy of extrajudicial killings, abductions of political prisoners and torture continues to torment Latin American societies with its consequences. Those of us who were victims know how it was. Our Governments felt caught between a rock and a hard place. Most Latin American leaders wanted to explore a better alternative to the dilemma of having to choose between inaction, on the one hand, and unilateral external intervention, on the other, to stop a humanitarian catastrophe. In other words, the morality of legitimacy had to be reconciled with international legality.

R2P is the balanced formula we were looking for, and prevention is the best way to save lives and allocate scarce resources to other causes, such as peacebuilding or the fight against poverty.

We are aware that any altruistic concept may be abused by the powerful. We know this from experience. Although they might seek to legitimize interventions that have little or nothing to do with — in this case — the four major crimes, the misuse of a concept does not invalidate it. Selective application of R2P is evidently a risk; yet no principle has withstood the test of application in a perfect or flawless manner and, in any event, principles lose credibility precisely when they are applied in a self-serving or partisan way.

We are also aware that, as several colleagues have mentioned, any permanent member of the Security Council can veto a resolution proposing coercive action against a given State to protect local populations from the four mass atrocities. Of course, there is — again, as others have already stated this morning — always the possibility, if the Security Council does not exercise its primary responsibility of maintaining peace and security, of convening the General Assembly in accordance with resolution 377 (V), entitled "United for peace".

In any case, it would be morally and politically wrong to conclude that because the international community cannot act perfectly everywhere, it should not act anywhere. That would be like saying that because the United Nations cannot resolve every problem in the world, it should cease to exist.

Finally — and I will conclude with this — we must reintroduce the issue of morality into our discussion. International inaction in the face of genocide, such as in Rwanda or Srebrenica, is not acceptable. But this is not an issue that solely concerns countries that have suffered humanitarian tragedies, as has sometimes been suggested. That would be limiting the problem to a subcategory of countries. The challenge of humanitarian protection is a global one. Raising our voices in the event of such crimes helps, but it is the bare minimum required. The international community must move from words to action, in the sensible and prudent way outlined in the Secretary-General's report, reconciling, as I have said, the morality of legitimacy with international legality.

Mr. Loulichki (Morocco) (*spoke in French*): My delegation welcomes this opportunity to continue to contribute in its modest way to this debate on the responsibility to protect. Today, we would like to share some additional considerations to complement the statement made on behalf of the Non-Aligned Movement by the representative of Egypt.

The presentation by the Secretary-General of his report on implementing the responsibility to protect (A/63/677) and our very animated and interesting debate yesterday have shown that the matter has received much interest, support and engagement. But that presentation and this debate have also shown that there are questions remaining with respect to, among other things, the implications of this responsibility, its scope of application, the bodies that will have the responsibility to implement it and the criteria and conditions for its implementation.

The mandate and the scope of application of this new — and also old — paradigm are not yet well-defined, which gives rise to certain apprehensions and legitimate worry that a mismanaged operationalization of this concept could spin out of control or that its implementation might actually harm the noble objectives that underpin it.

The responsibilities of States, the General Assembly and the Security Council in implementing the responsibility to protect constitute a broad field for exploration. Finally, the legal and political nature of the concept has not yet been addressed.

As to the application of this concept as an additional basis for reviewing States' performance in terms of the respect and preservation of human rights, in particular within the framework of the universal periodic review mechanism of the Human Rights Council, it does not seem appropriate to us inasmuch as the unique and well-defined nature of the

responsibility to protect puts it outside the scope of application of that new mechanism. It could even be dangerous, because injecting it into this mechanism, which remains fragile because it is so new, could damage the mechanism's credibility and viability.

The same call for caution applies to United Nations peacekeeping efforts. The fact that the report mentions it under pillar two as an example of the use of international military means could blur the lines between peacekeeping and peace imposition, and throw into doubt the fundamental and founding principles of peacekeeping: the consent of the parties, the use of force in legitimate defence and impartiality. In this context, it is important to point out that the defensive mandate authorized by the Security Council does not call these three principles, which are the core of the legitimacy of United Nations action, into question.

A clear distinction has been established between the responsibility to protect and what is called the right to humanitarian intervention. The responsibility to protect has also been limited to four categories of crime: genocide, war crimes, ethnic cleansing and wars against humanity. These two facts have enabled progress in Member States' consideration of this principle.

The debate initiated today must be pursued so that we can deepen our thinking in a calm atmosphere and experience and lessons learned can be considered in order to gradually build the foundation of this humanitarian principle.

If we are to make progress towards a consensus on implementing the responsibility to protect, I believe that we cannot just confine ourselves to saying that this responsibility is based on the United Nations Charter. In the same way, we cannot say that it is an international legal norm created instantaneously upon its adoption by a particular summit. It seems to me that it would be difficult, from a political or moral point of view, to use that to establish international legal obligations for all Member States.

That said, my delegation remains committed to making every effort, along with other delegations, to move towards a consensus that could strengthen the implementation of the responsibility to protect. In order to make progress towards such a consensus, it is important that this responsibility be fleshed out on the basis of the many common elements of the primary and indispensable responsibility of States to protect, which is the first pillar, and the need for the international community to assist States and build capacities in that regard, which is the second pillar. Meanwhile, we must continue to think in a concerted way about the third pillar.

In that context, Morocco remains ready to devote itself to moving this discussion forward, helping to eliminate misperceptions and concerns, and promoting the emergence of a universal consensus that would reflect an effective commitment on the part of the international community to the responsibility to protect.

Ms. Blum (Colombia) (*spoke in Spanish*): Colombia has taken note of the report of the Secretary-General on implementing the responsibility to protect (A/63/677). We recognize the importance of the issue and of the ultimate objective of promoting actions and means to strengthen the security and protection of people.

The definitions set out in the 2005 World Summit Outcome Document (resolution 60/1) form an essential framework for the consideration of this topic. Its scope should not be the subject of renegotiation. The 2005 Summit focused on the idea of the responsibility to protect in the event of four specific crimes and acts. Genocide, war crimes, ethnic cleansing and crimes against humanity are extremely grave acts. Member States agreed to address those crimes and acts on the basis of norms and principles of international law. Colombia reaffirms its commitment to the definitions and criteria set out in resolution 60/1, which express the political will of the United Nations.

My delegation has noted with interest the structure proposed in the report regarding the three pillars that can support the implementation of the responsibility to protect: the protection responsibilities of the State; international assistance and capacity-building; and timely and decisive response. While the Secretary-General believes that there should be no specific sequence of the three pillars and that all should be equally solid, it is undeniable that, depending on the circumstances, they can have varying degrees of importance.

Mr. Monthe (Cameroon), Vice-President, took the Chair.

The responsibility of every State reflects one of its essential functions — ensuring the protection and

security of its inhabitants. To that end, strengthening national capacities acquires particular importance. Greater capacity is required in such areas as strengthening the rule of law, developing norms and mechanisms to enhance the enjoyment of rights, preserving democratic institutions and popular participation, modernizing State security and defence institutions so that they can more effectively carry out their constitutional protection mandates, and strengthening judicial systems to deal with impunity. Those capacities are also enriched through the full exercise of freedom of opinion, the role of civil society, the development of assistance programmes for victims, and the rebuilding of social networks affected by violence.

In all of these areas, international cooperation is of great significance and value, as are the State's openness to scrutiny and international oversight concerning human rights, including that carried out by United Nations agencies and human rights bodies. Openness and cooperation, offered in a constructive and objective manner, provide opportunities to help strengthen protection actions taken by States.

International cooperation also makes a positive contribution when it promotes fulfilment of the obligation to address criminal phenomena having a transnational impact. In that connection, the eradication of the illicit trade in weapons, ammunition and explosives; the elimination of the production, use and transfer of anti-personnel mines; the fight against the world drug problem; and the common front against terrorism and money-laundering are only some of the areas requiring joint action by States. Coordinated international action against those problems is essential to ensure that protection strategies throughout the world are effective and lasting.

Colombia agrees with the view that an appropriate understanding of the responsibility to protect should be an ally, not an adversary, of national sovereignty. The international community should offer its solidarity and sustained support for national actions that enhance protection, while respecting the principles of sovereignty and non-intervention, as well as the rule of law.

With regard to the third pillar of the responsibility to protect — timely and decisive response — the World Summit indicated the appropriate kinds of actions and legal frameworks. The purposes, principles and provisions of the Charter of the United Nations and other relevant norms of international law, including specific international treaties, form the legal framework for the General Assembly's constructive discussion on the responsibility to protect in the event of the four defined crimes.

Even in specific situations in which international action is undertaken through the Security Council, Chapter VII of the Charter identifies mandates and procedures for the maintenance of international peace and security. That framework makes it possible to avoid decisions or situations that might end up undermining the legitimacy of the concept.

With regard to preventive action, it is clear that early warning systems, referred to in the World Summit Outcome Document, should be developed on the basis of a professional, objective and prudent approach. Reliable information, collected without bias or selectivity and analysed in a technical and neutral manner, is of particular importance in that regard. In the specific context of prevention, it is important to highlight the responsibility of the United Nations and regional organizations to make diplomatic efforts and promote peaceful processes furthering that essential objective.

Colombia will continue to contribute to the discussion on this issue, which, we hope, will be carried out with the broad participation of Member States. We highlight the role that the General Assembly should continue to play in considering the responsibility to protect to determine its scope and jointly define follow-up actions.

The main challenge is to ensure a common understanding of the concept and its implementation framework. The dialogue that began today should contribute in a constructive and consensual manner to furthering that aim, as well as to the implementation of the definitions agreed upon at the World Summit.

Ms. Shalev (Israel): Israel welcomes the report of the Secretary-General on implementing the responsibility to protect (A/63/677) and the opportunity to engage in a candid exchange of views on that important topic. The report offers a variety of proposals and tools for the international community to confront the menacing threats of genocide, war crimes, ethnic cleansing and crimes against humanity. It is essential to carefully explore those approaches and the

various challenges that they present in order to develop a consensus on how to best implement the concept.

As a people that has witnessed first hand the horrors of perhaps the most terrible genocide in the history of humankind, we understand the moral imperative that States must not stand by in silence as their fellow human beings suffer terrible crimes and atrocities. From the Holocaust to Rwanda, from the killing fields of Cambodia to Srebrenica, not only has the global community's failure to act enabled genocide, war crimes, ethnic cleansing and crimes against humanity, but we have too often turned a blind eye to such events.

As the Secretary-General's report emphasizes, we must understand that these grave crimes do not take place in a vacuum. Those who plan and execute such brutal acts do so in a calculated and intentional manner. As such, today's report correctly discusses the issue of incitement. The international community must never take comfort in the seemingly empty nature of words. The crimes that the responsibility to protect seeks to guard against do not begin with wholesale slaughter. That is how such crimes are completed.

Genocide, war crimes, ethnic cleansing and crimes against humanity all begin in the minds of men. They all begin by inciting blind hatred against a group, a tribe, a race, a religion or a nation. Teaching peace and tolerance and eliminating incitement to hatred remain critical elements in overcoming these evils, and investing in education and conflict prevention is therefore likely to diminish the chances that such crimes will be perpetrated.

The Secretary-General's report rightly stresses that we must fully understand and be able to recognize the warning signs of such crimes so that we can prevent the seeds of conflict from sprouting into full-scale violence. Such work will naturally involve capacity-building, field and comparative studies, strategic planning and the sharing of good practices, but a core challenge is to turn political will into resolute and responsible deeds. The responsibility to protect lies primarily in enhancing existing tools and mechanisms, rather than in creating them anew.

We should acknowledge the link between development and security, as well as the importance of a strong civil society. We can move beyond immediate crisis responses in order to develop partnerships with regional and subregional bodies that are well positioned to sound early warnings, mediate conflict and, if need be, act to protect the innocent.

Today's debate reflects the growing consensus that the gravest crimes, wherever committed, can be viewed as a global injustice. At the same time, however, it also reflects the need to candidly discuss the complex challenges presented by the responsibility to protect and to address the shortcomings involved in its implementation. Among these challenges is the need to reach agreement on relevant guidelines and the appropriate threshold for response: If the responsibility to protect is to develop into an effective means that offers true protection from the most serious of crimes, we must also ensure that it does not become a political tool for exploitation and abuse.

Israel looks forward to a fruitful and constructive discussion that would promote progress and agreement on this important topic.

Mr. Sangqu (South Africa): My delegation welcomes the report of the Secretary-General on implementing the responsibility to protect (A/63/677) and expresses its appreciation for the elaborate and balanced manner in which the Secretary-General approached this important concept.

At the outset, South Africa agrees with the Secretary-General's observation that this concept can be developed only under the auspices of the United Nations and in full compliance with the principles and purposes of the Charter of the United Nations. We therefore welcome this debate and assure the Secretary-General of our support.

It is also imperative that this debate remain within the General Assembly to ensure the maximum transparency and participation as we develop guidelines on the implementation of the responsibility to protect (R2P). This approach is especially important if the concept is to be accepted and respected throughout the world.

Lieutenant General Roméo Dallaire concludes in his account of the Rwanda genocide, *Shake Hands with the Devil: The Failure of Humanity in Rwanda*, that

> "at its heart, the Rwandan story is the story of the failure of humanity to heed the call for help from an endangered people. ... The international community, of which the [United Nations] is only a symbol, failed to move beyond self-interest for the sake of Rwanda. While most nations agreed

> that something should be done, they all had an excuse why they should not be the ones to do it. As a result, the [United Nations] was denied the political will and material means to prevent the tragedy".

In sum, the tragic events in Rwanda were allowed to take place as a result of indifference.

These events still loomed large in the year 2000 when the drafters of the Constitutive Act of the African Union wrote article 4 (h), which declares the Union's right to "intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity" — a decision also known as the principle of non-indifference. Five years later, the United Nations defined the concept of the responsibility to protect in paragraphs 138 to 140 of the 2005 World Summit Outcome Document (resolution 60/1).

As a founding member of the African Union and its Constitutive Act, South Africa also agrees that we as the United Nations should never again exhibit the indifference that was shown in the face of the Rwandan genocide, nor should we allow national interests to prevent us from responding to situations where States are manifestly failing to protect their populations from genocide, ethnic cleansing, crimes against humanity or war crimes.

Turning to the specifics of the report of the Secretary-General, my delegation is of the opinion that it is a balanced report and a good starting point for this debate. In particular, we support the Secretary-General's limited approach to the 2005 consensus and his conclusions that the responsibility to protect should not be applied to disasters other than the four identified crimes. In other words, it is not applicable to HIV and AIDS, climate change, natural disasters and so on.

Pillar one identifies the responsibility to protect as part of a State's sovereign responsibility towards its citizens and focuses on how a State's sovereignty could be strengthened in this regard. The Secretary-General concludes that it is the responsibility of all States to protect their citizens from these four crimes regardless of their level of development. All States should develop internal conflict resolution mechanisms and institutions through which disputes can be addressed through dialogue in a timely and fair manner. South Africa supports this concept, which is also a cornerstone of the African Peer Review Mechanism, a system introduced by the African Union to improve governance with the aim of achieving political stability and socio-economic development in Africa.

In pillar two, the Secretary-General addresses the international community's commitment to assisting States to meet their obligations, either bilaterally or through regional and subregional organizations. Pillar two includes elements of great importance to developing countries, such as development assistance and capacity-building with regard to conflict prevention and management.

South Africa has long been a proponent of the inextricable link between development and security. Security will never be sustainable without socio-economic development; likewise, development cannot be achieved without sustained security and political stability. More importantly, these goals are achieved not in isolation, but in States' partnership with each other.

Failure to implement the aforementioned two pillars may give rise to systemic conflictual situations, which may in turn create in States conditions in which these crimes can be perpetrated. Failure to implement the measures identified in the first two pillars may therefore undermine the capacity of States and the international community to respond timeously to prevent the four crimes from being initiated and perpetrated. In turn, that will result in failure on our part to implement our responsibilities under the Charter of the United Nations, which establishes security and development as the two primary goals of the Organization.

Our work here at the United Nations is aimed at achieving sustainable socio-economic development and security for all. The preamble of the Charter states that, at the United Nations, we are determined

> "to unite our strength to maintain international peace and security, and ... to employ international machinery for the promotion of the economic and social advancement of all peoples".

In other words, we should seek development and security as a matter of course in pursuit of the promotion of human dignity for all our people, especially the most vulnerable.

Pillar three addresses the response of the international community when a State is manifestly

failing to protect its citizens from genocide, crimes against humanity, war crimes or ethnic cleansing. The Secretary-General quite correctly states that there are a myriad of instruments at the disposal of the international community to utilize in response to such circumstances. Indeed, the Charter of the United Nations identifies many of them, such as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional and subregional arrangements, including, but not limited to, action by the Security Council, to name but a few.

Importantly, this pillar also provides for collaboration with regional and subregional organizations under Chapter VIII of the Charter. We believe that the United Nations should continue to strengthen its relationship with and the capacity of regional organizations, in particular the African Union, as such organizations obviously have the advantage of being closer to situations and can deploy more swiftly than the United Nations.

It is our view that the need for the development of the concept of the responsibility to protect is a result of the failure of the United Nations — especially the Security Council — to prevent genocide, war crimes, crimes against humanity and ethnic cleansing. The Council has too often illustrated its weaknesses in that regard. The Council should carry out its mandate in the interest of the well-being of all humankind, and not only on a selective basis as determined by narrow self-interest.

Let us not forget that the deplorable and dehumanizing system of apartheid in South Africa was declared a crime against humanity — which is one of the four crimes identified in R2P — by the General Assembly. And yet the question of South Africa attracted three simultaneous vetoes every time it was put to the vote in the Security Council.

In addition, history is also strewn with examples of the abuse of the Council's power or the power of one or two individual powerful States over weaker ones. Those examples reflect misuse of the concept in order to justify unilateral military action and flagrant abuse of military might in lieu of the sovereignty and territorial integrity of States.

That abuse and failure illustrate the tension that exists between the international community's responsibility to protect the people we represent, on the one hand, and narrow national interests, on the other. That is why our delegation agrees with the Secretary-General that the General Assembly needs to develop guidelines for response, including the curtailment of the veto, when considering issues related to these four crimes and needs to enhance the capacity of the United Nations to respond decisively and timeously.

This debate is only the start of the process. There are many questions that the General Assembly needs to ask, consider, debate and answer. We need to work in a transparent and inclusive manner towards the development of modalities and an implementation framework for R2P. We need to move the debate forward and start to engage on the specifics of the concept.

South Africa agrees with the Secretary-General that his report and this debate should contribute to the building of consensus among ourselves as to how to take this concept to the point where it can be implemented. My delegation stands ready to participate in and contribute to such a process.

Mr. Álvarez (Uruguay) (*spoke in Spanish*): This is the first time that the General Assembly has met to formally discuss the topic of the responsibility to protect since it was agreed upon by consensus in the Outcome Document (resolution 60/1) of the 2005 World Summit of heads of State or Government. Therefore, it is the responsibility of the General Assembly to carefully, seriously and respectfully study the issue and the reference text. In that connection, we agree with some of the comments made earlier by the representative of Chile regarding the legal validity of the 2005 World Summit Outcome.

We also recognize the momentum that the Secretary-General gave to the interpretation of the decision of the heads of State or Government through his report issued a few months ago (A/63/677). We hope that that document will be the point of departure for a process of seeking an understanding among all Member States on what it means to operationalize the responsibility to protect within the United Nations. In that regard, we should like to make a few specific points regarding the document submitted by the Secretary-General.

The decision unanimously adopted at the highest level in 2005 was an enormously important step, and, despite the fact that nearly four years have passed since then, our commitment has remained firm. That is why

we believe it is important to express Uruguay's continued support for that agreement.

The principle of the responsibility to protect is clearly and specifically limited to four kinds of mass atrocities: genocide, ethnic cleansing, war crimes and crimes against humanity. Any attempt to extend this concept to other cases or to associate it with other ideas would be outside the scope of the agreement reached in 2005.

The responsibility to protect rests primarily and above all with States, on the basis of their sovereign nature. This accompanies the principle that such sovereignty should be exercised in a responsible manner.

When the 2005 Document states, in its paragraph 139, "bearing in mind the principles of the Charter and international law", that means respecting basic principles such as the sovereignty and territorial integrity of States, non-intervention in the internal affairs of other States and indeed the legal equality of States. Those principles, so precious and deeply rooted in Uruguay's foreign policy, are essential to the peaceful coexistence of nations.

Furthermore, the message that we sent in 2005, which remains strong, represented a step forward towards the dedication of the human conscience to forms of civility that place respect for life, integrity and dignity at the core of its values. In 2005, we said no to indifference and no to a repetition of the tragic episodes of the past, whose details continue to move us.

Now that this report has been submitted, a process of seeking ways to move forward towards the implementation of this principle should begin. The General Assembly should be a key actor in that process. The broadest possible base of support is important not only to attain a high level of legitimacy, but also to create greater commitment among all actors potentially involved in such implementation.

Taking as a framework the ideas set out in the report, the General Assembly has a very clear role to play regarding the first two pillars described by the Secretary-General, in particular the second: international assistance and capacity-building for the State in question.

There is a major space for the United Nations, together with regional and subregional organizations, to work to build national and regional capacity not only in responding to mass atrocities but above all in relation to prevention and early warning.

Similarly, better use should be made of the system's existing capacities. For example, we should bear in mind the role that the Peacebuilding Commission could play as a representative intergovernmental body of Member States which has been doing major work in early recovery, assistance to consolidate the rule of law and the promotion of economic and social development in post-conflict situations. Together with policies regarding development cooperation and policies adopted by the Human Rights Council, these activities are the most effective preventive instruments that the international community and the United Nations have for achieving their ends.

Pillar three, timely and decisive response, is the most sensitive since, ultimately and in extreme situations, it would imply the use of force to prevent or halt any of the four atrocities. Although the Security Council has the primary responsibility to act in case of breach or the threat of breach of international peace and security, the General Assembly should not be underestimated or marginalized in the debate on the development of this pillar.

Clearly, this discussion is very important so that we can listen to one another and begin to know our likely points of convergence, our concerns and our reservations. But beyond that, a crucial issue is what we do from now on within the formal framework of the United Nations. What is the role that the Member States as a whole will play in the process that should be initiated in order to develop and implement this principle?

We are aware that we have major differences about what the responsibility to protect can and should be for the United Nations. But that should not prevent us from acting. Rather, it should make us redouble our efforts to seek the greatest level of understanding possible.

For an issue such as this one, and given the commitment that has been made, I do not think that we should simply await the reports periodically issued by the Secretary-General, to welcome them or merely take note of them. Beyond that and beyond what other agencies and programmes of the system do, bearing this principle in mind, the General Assembly, the

Organization's most representative forum, should have its own mechanism to seek agreement on this issue.

Mr. Christian (Ghana): At the outset, let me commend the President of the General Assembly for convening this series of meetings. My delegation welcomes the report of the Secretary-General (A/63/677) which provides a very balanced analysis and an objective basis for States members of the General Assembly to consolidate the dialogue on the way forward in ensuring the effective implementation and exercise of the responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing or the incitement to commit these crimes. The responsibility to protect is embodied in paragraphs 138, 139 and 140 of the 2005 World Summit Outcome Document (resolution 60/1), in which world leaders unequivocally pledged that we accept that responsibility and will act in accordance with it.

Hence, this debate should not be about renegotiating the concept, which has already been negotiated and agreed in the Outcome Document. Instead, the primary focus of our ongoing dialogue must be on how to garner the needed collective political will to act and take concrete measures at the national, regional and international levels towards the prevention of those four crimes. Nonetheless, we cannot fail to continue to promote a comprehensive and common understanding of the raison d'être or essence of the responsibility to protect, which partly informs Ghana's support for the concept and its inherent and intrinsic value.

Former Secretary-General Kofi Annan, whose role in the adoption of the concept Secretary-General Ban Ki-moon cites with approval, gave the following rationale for the responsibility to protect in New York on 20 March 2008, when he received the MacArthur Award for International Justice:

> "In the past, when a conflict arose essentially within the borders of one country, it was more or less axiomatic that the people of that country have to be left to deal with it on their own. For anyone else to get involved was considered an intolerable interference in the domestic affairs of a sovereign State. As far as the rest of the world is concerned, the State — which meant, in practice, whoever was in control of the State at that particular moment — was perceived as the sole legitimate representative of the people in that country. If those in control of the State used it to attack other people within the country and trample on their rights, those other people had no one to appeal to. The rest of the world could look the other way and not feel responsible.
>
> "Fortunately, today, we have come to see things differently. Today we see State sovereignty not as an absolute good in itself but as an instrument — albeit a very important one — which has value only in so far as it is used to protect human life, to ensure respect for human dignity and to uphold human rights. Sovereignty, in other words, should be seen not as a privilege but as a very heavy responsibility. It cannot be de-linked from the obligation that every State has to protect its people. The State was now widely understood as a servant of its people, and not vice-versa. Only when it is exercised in that spirit, with due respect for the fundamental human rights and dignity and worth of the human person — as proclaimed in the Charter of the United Nations — will sovereignty be recognized by all as credible and legitimate."

To ensure the effective implementation of the responsibility to protect at the regional level, it is imperative that the United Nations more actively support regional and subregional organizations such as the African Union and the Economic Community of West African States (ECOWAS) in the implementation of legally binding regional instruments they have adopted for the prevention of genocide, war crimes and crimes against humanity. Based on our bitter experience with violent conflicts and civil wars on the continent of Africa, the Constitutive Act of the African Union enshrined a careful and delicate balance between the principle of non-interference and the principle of non-indifference. Article 4 (h) of the Constitutive Act confers on the Union the right to intervene in a member State pursuant to a decision of the African Union Assembly of Heads of States and Government in respect of grave circumstances, namely genocide, war crimes and crimes against humanity. Article 4 (j) further confers on member States the right to request intervention from the Union in order to restore peace and security.

The Protocol relating to the establishment of the Peace and Security Council of the African Union,

which has been elevated retroactively to the status of a provision of the Constitutive Act, states that the African Union Peace and Security Council can recommend to the Assembly of Heads of States an intervention on behalf of the Union in a member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments.

The Peace and Security Council Protocol reinforces the Constitutive Act by going further in defining the situations that will trigger an intervention, including cases where there are massive violations of human rights or where the situation threatens regional or neighbouring States. Similar provisions can be found in the Protocol relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Regional Security and in instruments adopted by countries of the Great Lakes region.

The United Nations and the rest of the international community must support ongoing efforts by the African Union to implement regional instruments in the context of which the Union has requested international assistance to complement the operationalization of the African Union Standby Force arrangement.

My delegation believes that in the context of the responsibility to protect, prevention must be given top priority. As the framers of the Convention on the Prevention and Punishment of the Crime of Genocide observed with respect to cases of genocide, for example, it is often too late to save the population who are victims of a massacre. They therefore urged that more attention be focused on the prevention of incitement to genocide and ethnic cleansing. It is thus imperative for the United Nations to support the early warning mechanisms embodied in the New Partnership for Africa's Development (NEPAD) and its Action Plan and in the African Peer Review Mechanism. The Mechanism, to which Ghana was the first to voluntarily subscribe, aims at consolidating good democracy, developing a strong, vibrant and free civil society and media, ensuring respect for human rights and the rule of law and promoting national integration and non-discrimination, the equitable distribution of national resources and the enhancement of our capacity for good governance. Experience has shown that the absence of such standards have contributed in no small measure to the civil wars that have ruined many countries emerging from conflict. Ghana thus attaches great importance to the Peer Review Mechanism and the rule of law and has indicated its willingness to submit itself to a second peer review as soon as possible.

The United Nations should support the elaboration and implementation of the African Union framework for post-conflict reconstruction and development in order to promote regional ownership of peacebuilding processes on the continent. Its success will no doubt enhance the work of the United Nations Peacebuilding Commission. The Peacebuilding Commission is already developing the capacity to gather data on lessons learned in countries emerging from conflict. The possibility of strengthening its early warning capacity must be explored by Member States, acting in concert with the Secretary-General. More support for early warning mechanisms by other regional organizations, such as those adopted by the AU and the Economic Community of West African States, will be needed.

It is recalled that in its resolution 57/337 of 3 July 2003, entitled "Prevention of armed conflict", the General Assembly stressed the need to bring to justice the perpetrators of war crimes and crimes against humanity as a significant contribution towards the promotion of a culture of prevention. The role of civil society in the fight against impunity and in advancing the responsibility to protect will continue to be critical going forward. If the United Nations system is to be effective in lending assistance in the area of capacity-building and in forging cooperation between the United Nations and regional organizations at the national and regional levels, then an improvement in coordination and coherence among United Nations agencies will also be essential in ensuring the success of the implementation of the responsibility to protect.

There has been on occasion a discernible tendency to discuss R2P only in terms of the hindsight gained from lessons learned from the mistakes of our recent experiences and the foresight to prevent their repetition in the future. Regrettably, the ongoing conflicts in many parts of the world, including Africa, give us insights into the present — but conveniently forgotten — reality that we, the international community, continue to lack the needed political will and a common vision of our responsibility in the face of massive human rights violations and humanitarian

catastrophes occasioned by conflict, as mentioned in the Secretary-General's report of 2003 (A/58/323).

Ghana believes that the responsibility to protect is a reaffirmation of our faith in the dignity of the human person and a tool for the realization and fulfilment of the promise and potential of the Charter of the United Nations. Perhaps it would be a good idea for the Secretary-General to submit to the General Assembly proposals for a global strategy or plan of action for the implementation of R2P.

I wish to end by paying a special tribute to Mr. Edward Luck, Special Adviser to the Secretary-General on R2P, as well as Mr. Francis Deng, Special Adviser to the Secretary-General on the Prevention of Genocide, for leading a broad consultative process involving all Member States and civil society groups, the results of which have been well reflected in the Secretary-General's report. Ghana looks forward to continuing the dialogue towards effective implementation.

Mr. Takasu (Japan): The responsibility to protect (R2P) was formally agreed by the United Nations in the 2005 World Summit Outcome (resolution 60/1). This concept has now begun to spread globally. For instance, international calls saved many lives in the post-election violence in Kenya. However, conflicts and serious human rights crises continue unabated. We therefore thank the Secretary-General for his initiative to present an important report (A/63/677). R2P needs to be better understood, strongly supported and properly implemented. We need to underline three principles that frame our discussion.

First, we should not re-open the agreement in the 2005 World Summit Outcome. R2P should apply to the four specified crimes: genocide, war crimes, ethnic cleansing and crimes against humanity. What we should do is properly implement and consolidate that agreement. We should not enlarge the scope of R2P to include overall threats to humanity such as poverty, pandemics, climate change and natural disasters.

Secondly, in implementing R2P, the international community should make every possible effort through diplomatic, humanitarian and peaceful means. When the use of force is inevitable as a last resort, it must be exercised in accordance with the Charter.

Thirdly, R2P is an evolving concept. We need to be guided strictly by the agreement contained in the World Summit Outcome and proceed prudently, fully respecting the fact that the United Nations is an intergovernmental organization consisting of sovereign States.

On behalf of a country that promotes human security, I feel obliged to explain the clear distinction between human security and R2P. They each have a different basis in the World Summit Outcome. The purpose of human security, as agreed in paragraph 143 of the Outcome Document, is to enable all individuals to be free from fear and want and to enjoy all their rights and fully develop their human potential. Thus, the use of force is not envisaged in this concept. The focus of human security is how to prevent and empower. The human security approach, aimed at empowering individuals and strengthening their resilience, will serve as an effective means of prevention from various threats to human development.

On the other hand, the purpose of R2P, as agreed in paragraphs 138 to 140 of the World Summit Outcome, is to protect populations from the four most serious types of crimes. The situation contemplated by R2P is a crisis in which an individual is threatened by the worst types of crimes to an extreme degree. The focus of R2P is therefore how to help States to protect populations from such crimes, including timely and decisive response.

When the General Assembly considers a strategy to implement R2P, we need to fully reflect its basis as agreed in the World Summit Outcome. We need to focus our discussion on core issues directly related to protection from the specified serious crimes.

Pillar one is that the responsibility to protect populations lies first and foremost with the State. This is the most important pillar. In order to protect from the four most serious crimes, each State needs to establish good governance and the rule of law. To that end, it is vitally important for States to become parties to international human rights and humanitarian law and the Rome Statute. We support every effort to universalize these legal instruments. The Rome Statute is particularly important because it identifies the responsibility of individual perpetrators of those serious crimes. We regret that only 11 nations have acceded to the Rome Statute of the International Criminal Court since R2P was agreed. We urge non-members to accede to the Rome Statute. We

should also ensure compliance by States parties in taking the necessary domestic measures.

Compliance by non-State actors with these legal instruments is equally important to protect populations. The Security Council in recent decisions has reminded non-State actors of their responsibilities. We should address the growing impact of non-State actors.

Pillar two is that international assistance and capacity-building are important for the protection from the four most serious crimes. We agree on the importance of detecting signs of problems that might later turn into serious crimes. These must be addressed and resolved at an early stage.

The measures listed under pillar two, however, seem to be wide-ranging and somewhat overstretched. We need to prioritize the measures to be considered as core R2P issues. We should focus on assistance and capacity-building that have direct links with R2P as defined in the World Summit Outcome, such as rule of law, security sector reform — military, police and judiciary — and protection of human rights.

Pillar three is that if States manifestly fail to protect their populations from the specified crimes, the international community should act in a timely manner. The international community should use, initially, diplomatic, humanitarian and other peaceful means. If those means are inadequate, collective action will be necessary to protect populations. When implemented with the consent of host countries, such action is most effective and unwanted damages will be minimized. Efforts to obtain consent should therefore be pursued to the fullest extent.

However, if the most serious crimes continue and if consent is not forthcoming, collective coercive measures will be considered. It is extremely important — essential — that such collective action be taken by the Security Council, in accordance with Chapter VII of the Charter. Under these ultimate circumstances, we believe that each Council member fulfils the responsibility entrusted to it by the entire membership. Moreover, we also recognize the respective roles of the General Assembly, the Human Rights Council, the International Criminal Court and other international tribunals.

Japan welcomes this very important debate. We also support continued consideration of this issue by the Assembly to promote this important concept.

Mr. Palouš (Czech Republic): The Czech Republic would like to align itself with the statement delivered previously by the Permanent Representative of Sweden on behalf of the European Union.

Let me begin by commending the efforts of the Secretary-General and his contributions to today's debate. We warmly welcome the recent report of the Secretary-General on implementing the responsibility to protect (A/63/677), introduced on 21 July (see A/63/PV.96). Moreover, we also deeply value the recent work by the Secretary-General and his Special Adviser, Edward Luck, to enhance this concept, as well as the holding of this long-awaited debate. We recognize that the present debate is an important step in the process of the implementation and operationalization of the responsibility to protect.

The doctrine of the responsibility to protect, as expressed in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1), outlines the concept and acknowledges the collective responsibility to protect populations worldwide. Accordingly, each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

The concept of the responsibility to protect, as reiterated by the report of the Secretary-General, rests on three pillars — the protection responsibilities of the State; international assistance and capacity-building; and timely and decisive response — emphasizing that the structure of the responsibility to protect relies on the equal importance, strength and viability of those supporting pillars.

At the same time, the report is also explicit and strict on the scope of the concept: it is narrowly focused on the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity and cannot be used to address all social, environmental and other problems. Furthermore, the Secretary-General's report affirms that the purpose of the responsibility to protect is "to build responsible sovereignty, not to undermine it" (*A/63/677, para. 13*). Responsible sovereignty entails the building of stable institutions, good governance and compliance with international humanitarian law and human rights obligations. We very much welcome this balanced approach. However, as reiterated by the Permanent Representative of Sweden, the scope of the concept of the responsibility

to protect should be kept "narrow, and the range of possible responses deep" (*A/63/PV.97*). In that regard, the engagement and role of civil society and non-governmental organizations is of no less importance. Their active contribution to prevention and the protection of populations is especially indispensable in the first pillar.

The concept of the responsibility to protect is fully consistent with the principles that lie at the heart of the United Nations, namely promoting and encouraging respect for human rights and fundamental freedoms for all without distinction. Since the 2005 World Summit Outcome, the concept of the responsibility to protect has been widely embraced by scholars and academics, who have in recent years been laying foundations for the concept to move forward. It is now widely understood that the international community must do its best to prevent future occurrences of hideous crimes against human beings.

The credibility of the United Nations depends on its ability to act effectively to prevent and halt mass atrocities. An important step towards this goal is to develop a firm United Nations strategy and practices for the responsibility to protect, in order to avoid the misuse of the concept.

The Czech Republic welcomes and supports the way forward suggested in the report of the Secretary-General, and particularly his emphasis on the responsibility of States themselves and the importance of early prevention. Today's debate should mark the beginning of our common efforts.

In conclusion, allow me to quote the Secretary-General:

> "The task ahead is not to reinterpret or renegotiate the conclusions of the World Summit, but to find ways of implementing its decisions in a fully faithful and consistent manner." (*A/63/677, para. 2*).

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation welcomes this General Assembly debate on the responsibility to protect. It is a very good opportunity for Member States to exchange views on the concept.

The responsibility to protect is a new concept that emerged at the beginning of this century. The 2005 World Summit Outcome (resolution 60/1) gave a very prudent description of the responsibility to protect. The Outcome Document strictly limited the scope of application of the responsibility to protect to four serious international crimes: genocide, war crimes, ethnic cleansing and crimes against humanity. However, experience in the past few years shows that there is still controversy over the meaning and the implementation of the concept. This General Assembly debate will help Member States to come to a clear understanding in search of a greater consensus.

China would like to state its preliminary views on the meaning and implementation of the responsibility to protect, as follows.

First, the Government of a given State has the primary responsibility to protect the citizens of that country. The international community can provide assistance, but the protection of the citizens ultimately depends on the Government of that State. This is in keeping with the principle of State sovereignty. Therefore, the implementation of the responsibility to protect should not contravene the principle of state sovereignty and the principle of non-interference in the internal affairs of States. Although the world has undergone conflicts and deep changes, the basic status of the purposes and principles of the Charter remains unchanged. There must be no wavering with regard to the principles of respect for State sovereignty and non-interference in the internal affairs of States.

Secondly, the concept of the responsibility to protect applies only to the four international crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. No State should expand the concept or interpret it in an arbitrary manner. It is imperative to avoid abuse of the concept and to prevent it from becoming a kind of humanitarian intervention.

Thirdly, when a crisis involving one of the four crimes occurs, alleviating and containing it will be a universal concern and legitimate demand of the international community. However, the action taken must be in strict accordance with the provisions of the Charter and show respect for the views of the Government and regional organizations concerned. The crisis must be addressed within the framework of the United Nations, and all peaceful means must first be exhausted. No State must be allowed to unilaterally implement R2P.

Fourthly, when such a crisis requires that the United Nations respond, the Security Council has a role to play, but it must make judgements and decisions

tailored to specific circumstances and must act prudently. Here, it must be pointed out that the responsibility entrusted to the Council by the Charter is the maintenance of international peace and security. The prerequisite for Council action is the existence of any threat to the peace, breach of the peace or act of aggression. The Security Council must view the responsibility to protect in the broader context of maintaining international peace and security and must take care not to abuse the concept.

Fifthly, with regard to early warning and assessment, the General Assembly and the Security Council need to consider further whether there is a need to establish a mechanism in that area. If there is such a need, it is imperative that the information gathered be neutral and reliable to ensure that the assessment procedure is fair and transparent and to prevent double standards or politicization regarding the issue at hand.

Thus far, the responsibility to protect remains a concept and does not constitute a norm of international law. Therefore, States must avoid using the responsibility to protect as a diplomatic tool to exert pressure on others. The issues of whether the responsibility to protect can be universally accepted by States and whether it can be effectively implemented need to be further explored within the United Nations or the relevant regional organizations.

We note that Member States continue to have divergent views on the concept of the responsibility to protect; interpretations differ with regard to its many specific ramifications. The General Assembly must continue to engage in discussions on the concept based on the 2005 World Summit Outcome Document. We are open to such discussions and prepared to communicate with others in the interest of forging a universal consensus on issues related to the implementation of the responsibility to protect.

Mr. Daou (Mali) (*spoke in French*): I should like to join preceding speakers in warmly congratulating the President of the General Assembly on the convening of this important debate on the responsibility to protect. I also wish to commend the Secretary-General for the quality and relevance of his report (A/63/677), which is part of the momentum launched by heads of State or Government at the 2005 World Summit when they unanimously agreed to give an operational dimension to the responsibility to protect.

The ferment caused by the report certainly shows the great interest of the international community and Governments in the imperative need to seek ways and means to protect the world from mass atrocities and terrible human tragedies such as those that have marked our recent history. The human conscience will no longer tolerate or resign itself to the grave events and massive human rights violations represented by genocide, war crimes, ethnic cleansing and crimes against humanity. In other words, this debate is a real opportunity to reaffirm our shared commitment to continuing the work begun by our leaders nearly four years ago.

My delegation has studied very closely the report of the Secretary-General on implementing the responsibility to protect, which is based on the following three pillars: the protection responsibilities of the State, international assistance and capacity-building, and timely and decisive response.

As regards the first pillar, my delegation believes that the responsibility to protect rests, first and foremost, with every State, as stressed in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1). Indeed, every State has the obligation to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. From that perspective, it is important to emphasize, inter alia, respect for and the promotion of human rights and democratic principles, the rule of law and good governance.

As far as the second pillar is concerned, my delegation also reaffirms its full support for the principle of building the capacities of States and of regional and subregional mechanisms for conflict prevention, management and settlement through increased assistance from the international community.

In that regard, the establishment of early warning mechanisms at the national, subregional, regional and international levels to assess factors that can affect peace and security and to provide regular information will make it possible to prevent crises and take appropriate measures to contain the risks of crisis and conflict. Also part of this approach are efforts to build the capacity of national institutions and mechanisms for mediation, conciliation, dialogue and the resolution of conflicts and internal disputes.

My delegation notes with satisfaction that the first two pillars pose fewer problems, because everyone recognizes that the protection of populations from the aforementioned crimes proceeds from the exercise of State sovereignty and respect for legal obligations undertaken at the national, regional and international levels.

As far as the third pillar is concerned, paragraph 139 of the 2005 World Summit Outcome Document highlights the role of the international community within the framework of the United Nations: to favour diplomatic, humanitarian and other appropriate peaceful means to help protect populations from mass crimes and atrocities.

Certainly, the coercive measures called for in Chapter VII of the Charter of the United Nations in the event of failure on the part of a State are now raising many questions about the modalities for their implementation and the power vested in the Security Council with respect to the use of force, including the deployment of a preventive military force.

My delegation believes that discussion on the third pillar must continue in the General Assembly. We also welcome the fact that the United Nations has shown a preference and a commitment in favour of dialogue and peaceful persuasion. For Mali, the best way to protect is to prevent.

To conclude, the delegation of Mali associates itself with the statement made yesterday by the representative of Egypt, who spoke on behalf of the Non-Aligned Movement.

Mr. McNee (Canada): I would like to thank the President of the General Assembly for convening this important debate. Canada warmly welcomes the Secretary-General's report (A/63/677) and its recommendations on implementation of the responsibility to protect. It is appropriate that this year's debate coincides with the fifteenth anniversary of the Rwandan genocide and the thirtieth anniversary of the end of the Khmer Rouge genocide in Cambodia. These tragedies were compounded by the fact that the world had witnessed mass atrocities before, including the Holocaust, which led to the promises of "Never again".

As we reflect on the events of the past, we need to consider how we can finally ensure that the mistakes of the past are not repeated in the future. The past hundred years have witnessed the killing of civilian populations on a wider and more systematic scale than ever before, including the slaughter in Bosnia, Rwanda, Cambodia, the Democratic Republic of the Congo, the Sudan and elsewhere. In Rwanda alone, the horrific events of 1994 claimed nearly a million lives as neighbours turned on neighbours.

The genocides of the twentieth century raised difficult and indeed disturbing questions about the world we live in, about responsibility and accountability, and about our common humanity. These events prodded the international community to look deeply at how we conduct international affairs. Non-interference in sovereign affairs is a fundamental pillar of inter-State relations. But we asked ourselves: What are the limits of non-interference? What is the nature of a State's responsibilities to its people? When is passive observation no longer a reasonable response for the international community?

We need to put accountability squarely on national Governments to protect their populations. Governing comes with that obligation. All world leaders agreed on this principle in 2005 in the World Summit Outcome Document (resolution 60/1). It specified that when a State manifestly fails to protect its citizens from genocide, war crimes, crimes against humanity and ethnic cleansing, the international community has a subsidiary responsibility to protect them.

However, that does not absolve the international community from responsibility. People do not lose their inherent human rights because the State cannot or will not ensure them. The international community must take action against genocide, war crimes, ethnic cleansing and crimes against humanity. We all share in this responsibility to protect.

Canada welcomes the Secretary-General's report, which suggests ways to implement prevention and intervention efforts, and applauds the work of the Secretary-General to bring more systematic attention to this issue. We acknowledge the report's focus on not only the lens of intervention but also, and first, that of protection. This focus seeks to help States to succeed, not just to react upon failure. Canada believes that we can make the most substantial impact by focusing on operationalizing prevention, which we believe is key to ensuring that genocide and incitement to genocide do not occur.

Let us all be reminded, however, that if prevention fails, the response should be a collective one, and the Security Council has important responsibility to bear in this area.

(*spoke in French*)

Looking forward, we have a most useful contribution to make. We have at our disposal a sophisticated normative legal framework based on international law. However, ongoing work is required to deepen and broaden consensus on our collective responsibility, monitor situations where civilians may be at serious risk of armed attack and ensure that practical actions and protection strategies are employed where they are effective and most needed. We can respond more quickly to early indications that situations are deteriorating. We can bring more diplomatic heft to these cases, engage sooner and send stronger and more coherent messages.

This approach involves strengthening existing mechanisms within the United Nations, such as the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide and the role of the Special Adviser to the Secretary-General on the responsibility to protect. It also involves putting in place early warning mechanisms and monitoring situations where civilians may be at serious risk. Such preventive measures could include monitoring the media, including for incitement of genocide and of other crimes.

The international community needs to understand how it can contribute to reducing the tensions that feed racial, ethnic or religious hatred and intolerance in societies. By consciously assessing the schisms in societies and taking them into account more heavily in development programming, we can do better.

Each Member of the United Nations has a role to play in ensuring that those who commit serious violations of international human rights and humanitarian law are brought to justice. Canada takes this obligation seriously. In May, the Superior Court of the Province of Quebec convicted Désiré Munyaneza on seven charges for acts committed during the 1994 Rwandan genocide, including rape as an act of genocide, a crime against humanity and a war crime.

In conclusion, we know that the road ahead of us is long. Much work remains to be done on operationalizing norms. But with the goodwill of the States represented here today, we can continue to demonstrate that we are serious about protecting citizens from genocide and other serious crimes.

Ms. Nworgu (Nigeria): The Nigerian delegation welcomes the Secretary-General's report entitled "Implementing the responsibility to protect" (A/63/677) as a useful basis for continuing the dialogue on ways and means to ensure the implementation of the responsibility to protect.

It was in response to the genocide in Rwanda, the massacres in Srebrenica, Cambodia's killing fields, ethnic cleansing in Kosovo, the Holocaust and other events that in 2005 world leaders solemnly affirmed that "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (*resolution 60/1, para. 138*). They agreed that the international community should assist States to enhance their capacity to exercise their responsibility to protect. They also agreed that when a State is manifestly failing to protect its population from those four crimes, the international community has the obligation to take collective action in a timely and decisive manner through the Security Council and in accordance with the United Nations Charter. That commitment, made under paragraphs 138 and 139 of the World Summit Outcome, was later reaffirmed by the Security Council in paragraph 4 of its resolution 1674 (2006).

The Secretary-General's report is therefore a step in the right direction towards implementation of the vision set out by our leaders in 2005. The report's three-pillar approach, consisting of the protection responsibilities of the State, international assistance and capacity-building and timely and decisive response, is drawn from the equally three-pronged agreement of the world leaders, as encapsulated in paragraphs 138 and 139 of the Outcome Document. Those paragraphs can be said to constitute the authority within which Member States, regional and subregional arrangements and the United Nations system and its partners can seek to give a doctrinal, policy and institutional life to the responsibility to protect.

The concept of the responsibility to protect is not new, since it is based on international humanitarian and human rights law. Its essence is captured under article 4 (h) of the African Union Constitutive Act.

Certain instruments adopted and actions taken by countries within the West African subregion under the auspices of the Economic Community of West African States (ECOWAS) could be considered as precursors of the responsibility to protect. For example, the ECOWAS Monitoring Group interventions and other diplomatic initiatives helped to stop decisively the carnage in certain countries in the subregion and to rescue trapped populations. The ECOWAS subregion has, in addition, developed other frameworks such as the ECOWAS Regional Action Plan to combat illicit drug trafficking and Moratorium on the Importation and Exportation of Small Arms and Light Weapons in West Africa. In order to make it legally binding, the Moratorium has been transformed into a convention, which is expected to come into force in the near future.

The ECOWAS subregion is divided into four early warning zones for the purpose of detecting brewing crises and taking preventive action. The United Nations Office for West Africa has been collaborating with the States in the Community individually and collectively in this regard.

ECOWAS also supports civil society groups such as the West African Action Network on Small Arms and Light Weapons and the West Africa Civil Society Coalition on the Responsibility to Protect, because a strong civil society is fundamental to the consolidation of the rule of law. ECOWAS established the West African Civil Society Forum as a platform to engage civil society. The West Africa Network for Peacebuilding has a memorandum of understanding with ECOWAS to strengthen the region's early warning systems. The West Africa Civil Society Institute works to build the capacity of civil society to engage on policy issues at the regional level. The Institute serves as the focal point on the responsibility to protect in West Africa.

Nigeria has played and continues to play a leading role in the peaceful resolution of conflicts within the West African subregion. At the domestic level, the Nigerian Government has taken steps to strengthen democracy and the rule of law. Through national dialogue and through interfaith and intercultural programmes, harmony is promoted and incitement is discouraged or prevented. We remain actively engaged in peacekeeping operations around the world. In consonance with the notion of sovereignty as responsibility, we believe that emphasis should be placed on prevention rather than on intervention.

We therefore welcome the Secretary-General's emphasis on the need for the international community to assist States with capacity-building in the areas of the rule of law, good governance and security sector reform, among other areas, to enable national Governments to exercise their responsibility to protect and not to wait for States to fail in this responsibility and then intervene when it may be too late. To that end, we call on the United Nations and the international community to support the implementation of the African Union framework for post-conflict reconstruction and development, which is intended to prevent countries emerging from conflict from relapsing into conflict, thereby complementing the work of the Peacebuilding Commission.

We call on the Secretary-General to elaborate further on some of the tentative proposals and recommendations in his report. There is a need for assistance for regional organizations such as the African Union to implement the responsibility to protect, which is already enshrined in its Constitutive Act, and therewith further its principle of non-indifference.

We also call for the strengthening of the Mechanism for Conflict Prevention and Early Warning System in ECOWAS and the African Union, including the New Partnership for Africa's Development, with emphasis on conflict prevention, good governance and the promotion of peace and security.

Equally important is the need to support the African Peer Review Mechanism, under which countries voluntarily submit themselves to scrutiny by regional neighbours to see if they are meeting benchmarks for good governance and addressing the root causes of conflict, such as lack of rule of law, respect for human rights and good governance, and which is also aimed at strengthening popular participation in governance at the grass-roots level.

This important debate should not have the effect of rolling back, weakening or undermining the 2005 consensus, but should rather aim at strengthening that commitment to ensuring the more effective implementation of the responsibility to protect. In this regard, my delegation supports the retaining of this item on the United Nations agenda and looks forward to participating constructively in the dialogue within

this Assembly and in the United Nations system as a whole towards operationalizing the concept of the responsibility to protect.

Mr. Bui The Giang (Viet Nam): I would like to start by thanking the President of the General Assembly for his persistent efforts to solicit views from a broad range of sectors in preparation for this series of plenary meetings. I thank the Secretary-General for his report on the responsibility to protect (R2P) (A/63/677), which attests to his tireless endeavours to take into account a vast spectrum of diverse and even conflicting views on this topic.

My delegation associates itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement.

With the adoption of the World Summit Outcome (resolution 60/1) in 2005, the international community at its highest level accepted for the first time a key instrument on R2P, a concept which has been an actual part of the life of humankind for a long time, yet had not been made official until then. With that adoption, we now do not have to discuss whether R2P is necessary. Also, as the Outcome determines in a clear-cut manner the four crimes — genocide, war crimes, ethnic cleansing and crimes against humanity, and nothing else — that are subject to R2P, we do not have to struggle to define the scope of this concept. In this context, we share the view of other delegations that the report represents excellent grounds for discussions on how to render the Outcome Document operational today, when conflicts continue to spread and escalate in many parts of the world, making R2P more imperative and urgent than ever before.

We could not agree more with the Secretary-General in his comment that "the responsibility to protect, first and foremost, is a matter of State responsibility" (*A/63/677, para. 14*). This is unambiguously in line with paragraph 138 of the Outcome Document, which confirms that "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity". We are grateful to the world's top leaders for their wisdom in asserting in paragraph 138 that "the international community should, as appropriate, encourage and help States to exercise this responsibility".

The Secretary-General is absolutely right in dividing this encouragement and help into four forms of assistance in his report. In other words, the international community and the United Nations system have a very critical role to play in helping countries concerned, including through political mediation, peacekeeping operations, the provision of assistance and capacity-building. Recalling the first and foremost responsibility of the State in R2P, let me add that such international assistance can be most effective when it is based on engagement and cooperation with the States in question.

Therefore, given the diverse interpretations of paragraph 139 of the Outcome Document, we believe that one or two qualifiers must not be singled out as more important than the others. It is necessary to equally emphasize all five qualifiers, or components, as we perceive them: the voluntary engagement of States; the taking of timely and decisive collective action; the taking of decisions on a case-by-case basis; conformity with the Charter, including Chapter VII; and cooperation with relevant regional organizations, as appropriate.

In that context, the qualifier "timely and decisive" collective action, described as pillar three in the Secretary-General's report, requires a clear and rational definition to prevent its possible confinement to coercive military force as the only alternative. Similarly, such measures as economic sanctions and referral to the International Criminal Court should be carefully considered on a case-by-case basis, free from politicization, selectivity and double standards, before a decision is made on their enforcement. Under all circumstances, the impact of such acts on the population — particularly its most vulnerable sectors — should be the consideration of top priority.

Motivated by a comprehensive approach, we have always maintained that the best way to protect the population is to prevent wars and conflicts and to address the root causes of conflict and social tension, which are poverty and economic underdevelopment. Cultural and religious tensions must also be adequately and tactfully addressed in order to prevent the possibility of their flaring into conflicts and wars, as has been the case more than once in history.

In that connection, education and public awareness campaigns must be carried out intensively and regularly — and I emphasize the word "regularly" — rather than as a makeshift practice, particularly in remote or disadvantaged areas. We

believe that the United Nations, as the world's largest pool of experience and expertise, can and should contribute to such a process. For our part, we commit ourselves to working actively and constructively with other members of the international community to ensure its success.

Mr. Cabral (Guinea-Bissau) (*spoke in French*): Everyone, here and elsewhere, recognizes the historic nature of the 2005 World Summit. However, in addition to that aspect of the Summit, there is the fact that it resulted in the adoption of a very important document. We can consider that document an expression of the international community's awareness of what is at stake and of the real challenges facing the world. I even think it is not unreasonable to say strongly that, in 2005, the world wanted to look at itself in a mirror and to begin a kind of introspection and, indeed, to examine its conscience so that it could acknowledge that there have been serious failures in recent decades. We have all undoubtedly failed to do our duty. Somewhere along the line, we have proved negligent with regard to the human person and fundamental human rights.

In terms of its formulation and acceptance, the concept of the responsibility to protect might perhaps be new, but it was not conceived of yesterday; its inspiration is found elsewhere, including in the Charter of the United Nations. The Charter's preamble enshrines respect for the human person and respect for the fundamental rights of all human beings throughout the world. And it is because of the sincere respect that we must have for the human person that we should not even consider renegotiating the concept of the responsibility to protect, but should rather strive to put in practice the decision that was taken.

My delegation very much welcomes today's debate, because it is taking place at a time when the world is wondering about what is really at stake, the mechanisms that we should put in place, the best way to mobilize ourselves and unite our energies so that all our countries, small and large, poor and rich, can join forces and work together to ensure that never again — never again — will genocide, crimes against humanity, ethnic cleansing or war crimes be perpetrated. However, in order to do so, we must be aware of our individual and collective responsibilities.

The report of the Secretary-General (A/63/677) is clear and balanced. It is the result of substantial efforts. Above all, it is the result of an inclusive process, because those who were responsible for drafting it engaged in consultations at all levels. They consulted Member States, non-governmental organizations and civil society. In short, they consulted all stakeholders — all of us who represent the international community and who represent humanity. Thus, I should like to pay tribute to Mr. Edward Luck for having done outstanding work. I should like to commend the methodology that was used. And I hope that we all become part of a process that leads all of us — in our own place, in our own manner and at our own level — to assume our responsibility.

Of course, there are legitimate questions and there are concerns, but that should not be a pretext for slowing down this innovative movement, which responds to our sense of responsibility — our collective responsibility to ensure that these kinds of crimes — genocide, ethnic cleansing, all the evils we have denounced here — are never committed again.

The Secretary-General's report defines the pillars on which the concept of the responsibility to protect is based. The report clearly emphasizes the equivalent nature of those three pillars. First, of course, is the responsibility of the State. Such responsibility should not proceed from a notion of sovereignty in which the State, because it is sovereign, can do what it wants within its territorial limits. We must understand that, as our brother and friend Mr. Francis Deng suggests, sovereignty is primarily a matter of responsibility, because every sovereign State must be able to fully shoulder the responsibility of creating an environment conducive to the full flourishing of all its citizens.

Every sovereign State should be able to assume that sovereignty by demonstrating through good governance, democratic principles and the regular organization of free, fair and credible elections that indeed, the State exists. Every State that considers itself sovereign should also be able to participate in creating a better world by ensuring that crimes of that kind are not committed again.

Of course, there is also the international community's will to help provide those without the means, those who are deprived, with all the tools and mechanisms conducive to reinforcing their ability to implement the very sovereignty of which we are speaking. I hope that the entire United Nations system will review its mechanisms and refine existing ones.

The system should be able to bring together all the competencies in the United Nations system — skills and experience that already exist in terms of human resources — so as to make it possible for the appropriate innovative mechanisms to be established to promptly and resolutely respond to what is expected of us, namely that responsibility that falls to us all.

It has rightly been said here that issues must be raised and problems possibly brought up, but I believe that no one here has questioned the timeliness of the decision that our heads of State took in 2005. After long, detailed and painstaking negotiations, it was noted that an instrument was needed that could respond in a timely and decisive way to what we saw: the gap between what we say and our readiness to act and act swiftly.

So I would like to invite all of our colleagues here to think about how to implement that concept, which is certainly new but which will provide appropriate solutions to the questions asked but not answered. And, because they have not been addressed, those issues have triggered or contributed to the death of human beings.

I do not think we can take pride in being human beings while we neglect what is happening in other parts of the world. Crimes against humanity, genocide, war crimes and ethnic cleansing are not exclusive to any particular region. All those phenomena, all those shameful acts, can happen in any part of the world. We saw it in Cambodia. We have seen it, of course, in Africa, in Rwanda, but also in Srebenica, Bosnia. I believe that we must not be satisfied with not speaking of it again, but must have the strength, resolve and courage to act, and to act rapidly.

Like others here, I know that questions arise over the Security Council and its primary role to maintain international peace and security. Those questions arise not because we question Article 24 of the United Nations Charter, which confers that primary role on the Security Council, but because we have noted and deplored the fact that the working methods of the Security Council have not been the most appropriate in representing the General Assembly: all Member States. But that should not discourage us. As the General Assembly, as one of the primary organs of the United Nations system, together with the Security Council, we should be able to see how to implement paragraphs 138 and 139 of the 2005 World Summit Outcome. But I would like to say that nothing must deter us from our resolve to ensure that, above all, we can defend the human condition and human beings everywhere by ensuring that there are no more excuses or any further reasons for us to blame ourselves and to conclude that we could have done a lot more and a lot better and could have acted more promptly, more rapidly and more appropriately.

Each of us must understand that the responsibility to protect is not aimed at one State or another. This concept is a new instrument at humankind's disposal so that whenever necessary we can defend the human rights of men, women and children everywhere. It is a wonderful, innovative tool that honours the General Assembly, the United Nations and our humanity. And we must not engage in politicking to impede this new momentum, on which the success of our actions depends.

Unfortunately, the world beyond this magnificent Hall is watching us — those who are suffering, those who have no chance of enjoying their most basic human rights because they have been degraded, prevented from even breathing, and do not have the right to express themselves in their countries. There are many, including in Africa. And I say it here sincerely — those who are watching us today and following the debates at the United Nations must not be discouraged. In our discussions, our professions of faith and our resolve to implement that important concept of the responsibility to protect, they must find the strength to resist all schemes that would prevent them from standing up and affirming themselves as men, women and members of the community of nations.

I conclude by saying that putting into practice the responsibility to protect is to agree to a crusade against all abuse, against the denial of the most basic rights and against those who make their fellow human beings, their own citizens, suffer and wish to prevent the world from being able to live freely, express itself freely and build itself in human solidarity.

The meeting rose at 1.15 p.m.